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SHORT TITLE: Psychologists; relating to practice of psychology; defining master's psychologist; creating Master's Psychologist Advisory Committee within Oklahoma State Board of Examiners of Psychologists; stating requirements for applicants for licensure as master's psychologist and related examination; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1221

By: Brown

AS INTRODUCED

An Act relating to psychologists; amending 59 O.S. 1991, Sections 1352 and 1353, as amended by Sections 4 and 5, Chapter 168, O.S.L. 1993, 1361, 1362, 1362.1, 1363, 1366, 1368, 1368.1, 1369, 1370, 1374 and 1376 (59 O.S. Supp. 1995, Sections 1352 and 1353), which relate to the practice of psychology; defining master's psychologist; authorizing and prohibiting use of certain titles; modifying exemptions from licensure; creating Master's Psychologist Advisory Committee within Oklahoma State Board of Examiners of Psychologists; providing for appointments, terms of office, vacancies, removal for certain causes, meetings, officers, quorum for conducting business, reimbursement, and duties; requiring Board consider certain standards; stating requirements for applicants for licensure as master's psychologist and related examination; providing for licensure without examination for certain psychologists; conforming language; deleting obsolete language and modifying gender references; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1352, as amended by Section 4, Chapter 168, O.S.L. 1993 (59 O.S. Supp. 1995, 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. 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; and

6. "Master's psychologist" means an individual who:

- a. has completed a master's program in psychology which meets the requirements of this act, and
- b. beginning January 1, 1997, is licensed to practice psychology pursuant to the provisions of this act.

A master's psychologist may represent himself or herself by using any title or description of services incorporating the words "psychology", "psychological", or "master's psychologist", or by offering to the public or rendering to individuals or to groups of individuals services defined as the practice of psychology. A master's psychologist shall not be entitled to use the term "physician" in any title or designation or in any description of services performed unless the master's psychologist is otherwise authorized to use such designation by Section 725.2 of this title.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1353, as amended by Section 5, Chapter 168, O.S.L. 1993 (59 O.S. Supp. 1995, Section 1353), is amended to read as follows:

Section 1353. No person shall represent himself or herself as a psychologist or master's 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 or master's 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. Persons holding an earned master's degree in psychology which meets the requirements of this act from an institution of higher education may use the title "master's 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, licensed master's psychologist, or psychiatrist, or an applicant for licensure who is engaged in the applicant's postdoctoral year of supervision or the period of supervision required by this act for master's psychologists. 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~~ residency 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~~ an 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~~ residency to perform such activities and services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1359.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created a Master's Psychologist Advisory Committee within the Oklahoma State Board of Examiners of Psychologists. The Committee shall consist of five (5) members, appointed by the Governor, from a list of names submitted by the Northamerican Association of Master's in Psychology. At least two names shall be submitted for each position on the Committee. Each initial member shall hold a master's degree in psychology. Thereafter, members of the Committee shall be master's psychologists, licensed under this act.

2. Members of the Committee shall be appointed for terms of four (4) years and until a successor is appointed and qualified; provided, of those members initially appointed to the Committee, two members shall serve terms of two (2) years and three members shall serve terms of four (4) years, as designated by the Governor. Terms of office shall begin on September 1, 1996.

3. Positions for which a term has expired or which become vacant shall be filled in the same manner as the original

appointment. Vacancies shall be filled for the balance of an unexpired term. No member shall serve for more than three consecutive terms of office.

4. The Governor may remove any member from the Committee for neglect of duty, for incompetency, or for unethical or dishonorable conduct.

B. 1. The Committee shall meet initially no later than October 1, 1996, and thereafter as determined by the Committee, but not less than four (4) times a year. Members shall elect a chair and vice-chair at the first meeting and annually thereafter. A majority of members shall constitute a quorum for the purpose of transacting business.

2. Members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act.

C. The Committee shall:

1. Advise and assist the Board on matters regarding the licensure, education, practice, and discipline of master's psychologists, including promulgation of rules pertaining thereto;

2. Conduct investigations into the qualifications of applicants for a master's psychologist license at the request of the Board;

3. Conduct investigations and proceedings, at the request of the Board, for alleged violations of the master's psychologist license; and

4. Advise and assist the Board in such other matters as requested by the Board.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1361, is amended to read as follows:

Section 1361. The Oklahoma 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 Standards of Psychologists promulgated by the American Psychological Association and ethical standards promulgated by the Northamerican Association of Master's in Psychology.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1362, is amended to read as follows:

Section 1362. A. An applicant is qualified to take the examination to be licensed when the applicant has met the following criteria:

1. a. Applicants for licensure as a psychologist 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 Oklahoma State Board of Examiners of Psychologists. By January 1, 1997, applicants for licensure 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.~~ b. 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~~ rules 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;

2. a. Applicants for licensure as a master's psychologist shall possess a master's degree in psychology which represents at least two (2) academic years of graduate work in psychology from a regionally accredited institution of higher education. The degree shall be

obtained from a recognized program of graduate study in psychology, as defined by rules of the Board. Beginning January 1, 1999, a recognized program must be one which is accredited by the Interorganizational Board for Accreditation of Masters Psychology Programs.

- b. For admission to the licensure examination, applicants shall demonstrate that they have completed at least three (3) years of postmaster's, supervised professional experience which meets the requirements established by rules of the Board; and

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.

B. 1. Prior to July 1, 1997, application may be made to the Board to be licensed without examination as a master's psychologist. Applicants shall be eligible for licensure without examination if:

- a. they have received a master's degree in psychology which represents at least two (2) academic years of graduate work in psychology from a regionally accredited institution of higher education, and
- b. for at least three (3) years immediately prior to January, 1, 1997, they have successfully and professionally worked in the counseling field, providing psychological services.

2. The application shall include documentation of education, work experience, and at least three (3) letters of recommendation from colleagues or supervisors from the actual work site of the applicant.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1362.1, is amended to read as follows:

Section 1362.1 A. Any licensed psychologist or master's psychologist who independently provides or offers to provide health services to the public shall be certified as a Health Service Psychologist by the Oklahoma 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, if application is made before January 1, 1992, to the Board of Examiners of Psychologists, by an applicant who is licensed as a psychologist in this state and who can demonstrate that the applicant has been engaged for the equivalent of at least two (2) years full-time in the provision of health services, the applicant shall be certified by the Board as a Health Service Psychologist. An applicant has been engaged for the equivalent of at least two (2) years full-time in the provision of health services if the applicant meets any one of the following conditions:

1. The psychologist is listed in the National Register of Health Service Providers in Psychology;

2. The psychologist is a diplomate of the American Board of Professional Psychology; or

3. 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.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1363, is amended to read as follows:

Section 1363. Application for examination for a license as a psychologist or master's psychologist for a license without examination shall be upon the forms prescribed by the Oklahoma State Board of Examiners of Psychologists. The Board may require that the application be verified. The fee for the license shall accompany the application.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1366, is amended to read as follows:

Section 1366. 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 ~~and regulations~~ 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 rules ~~and regulations~~ 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 is licensed as a psychologist or a master's psychologist or equivalent thereof by a state with which the Board has established a formal written agreement of reciprocity.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1368, is amended to read as follows:

Section 1368. ~~(a)~~ A. The Oklahoma State Board of Examiners of Psychology shall issue a license to each person that it registers as a psychologist or master's psychologist. The license shall show the full name of the psychologist or master's psychologist and shall bear a serial number. The license shall be signed by the chairman and secretary of the Board under the seal of the Board.

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

~~(c)~~ 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~~ the renewal fee before the first day of January does not deprive ~~him~~ the licensee of ~~his~~ the right to renew ~~his~~ the 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 or master's psychologist who wishes to place ~~his~~ a license upon an inactive status may do so upon application by payment of a fee of Twenty-five Dollars (\$25.00); such a psychologist or master's psychologist shall not accrue any penalty for late payment of the renewal fee.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1368.1, is amended to read as follows:

Section 1368.1 The Oklahoma State Board of Examiners of Psychologists is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of psychologists and master's 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.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1369, is amended to read as follows:

Section 1369. During the month of April of each year, the Oklahoma State Board of Examiners of Psychologists shall publish a list of all psychologists and master's psychologists licensed under this act. The list shall contain the name and address of the ~~psychologist~~ licensee and such other information that the Board deems desirable. The list shall be arranged both alphabetically and geographically. The Board shall mail a copy of this list to each person licensed under this act, shall place a copy on file with the Secretary of State and shall furnish copies to the public upon request.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1370, is amended to read as follows:

Section 1370. A. A psychologist and master's psychologist, and persons under ~~the~~ their supervision ~~of the psychologist~~, shall conduct their professional activities in conformity with ethical and professional standards promulgated by the Oklahoma State Board of Examiners of Psychologists under its rules ~~and regulations~~.

The Board shall have the power and duty to suspend, place on probation, require remediation or revoke any license to practice psychology or to take any other action specified in the rules ~~and regulations~~ whenever the Board shall find by a preponderance of the evidence that the psychologist or master's 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 ~~and regulations~~ promulgated by the Board;

3. Practicing psychology in a manner as to endanger the welfare of clients or patients;

4. Conviction of a felony. A copy of the record of conviction, certified by the clerk of the court entering the conviction shall be conclusive evidence of conviction;

5. Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;

6. Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;

7. Engaging in sexual intercourse or other sexual contact with a client or patient;

8. Use of repeated untruthful, deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including practicing outside of the ~~psychologist's~~ licensee's professional competence established by education, training, and experience;

9. Gross malpractice or repeated malpractice or gross negligence in the practice of psychology;

10. Aiding or abetting the practice of psychology by any person not approved by the Board or not otherwise exempt from the provisions of this act;

11. Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction;

12. 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;

13. 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;

14. Refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;

15. Making any fraudulent or untrue statement to the Board;

16. Violation of the code of ethics adopted in the rules ~~and regulations~~ of the Board; and

17. 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.

B. 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 C 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. ~~Said~~ 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 ~~said~~ the notice. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection D of this section not less than ten (10) days before the time set for the hearing.

C. 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 such order to the alleged violator and to such 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 ~~Sections 301 through 326 of Title 75 of the Oklahoma Statutes~~ Article II of the Administrative Procedures Act.

D. 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 such 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 ~~said~~ the notice. Proof of service shall be filed in the office of the Board.

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 the

same force and effect as the original certificate or affidavit of service.

E. If the ~~psychologist~~ licensee fails or refuses to appear, the Board may proceed to hearing and determine the charges in ~~his~~ the licensee's absence. If the ~~psychologist~~ licensee 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 or master's psychologist, reprimanding the ~~psychologist~~ licensee, or placing the ~~psychologist~~ licensee on probation or any combination of such penalties pursuant to the provisions of this section.

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

G. 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.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1374, is amended to read as follows:

Section 1374. 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.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 1376, is amended to read as follows:

Section 1376. All communications between a licensed psychologist or licensed master's psychologist and the individual with whom the ~~psychologist~~ licensee engages in the practice of psychology are confidential. At the initiation of the professional relationship the ~~psychologist~~ licensee shall inform the patient of the following limitations to the confidentiality of their communications. No psychologist or master's psychologist, colleague, agent or employee of any psychologist or master's 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~~ licensee'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 or herself and refuses explicitly or by behavior to voluntarily accept further appropriate treatment. In such circumstances, where the ~~psychologist~~ licensee 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~~ licensee shall have a duty to seek commitment. The ~~psychologist~~ licensee may also contact members of the patient's family, or other individuals if in the opinion of the ~~psychologist~~

licensee, such contact would assist in protecting the safety of the patient,

b. the patient has communicated to the ~~psychologist~~ licensee 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~~ licensee shall have a duty to take reasonable precautions. A ~~psychologist~~ licensee shall be deemed to have taken reasonable precautions if the ~~psychologist~~ licensee 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~~ licensee and the ~~psychologist~~ licensee 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~~ licensee shall have a duty to take reasonable precaution. A ~~psychologist~~ licensee shall be deemed to have taken

reasonable precautions if the ~~psychologist~~ licensee 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,
- d. nothing contained in subparagraph b of this paragraph shall require a ~~psychologist~~ licensee to take any action which, in the exercise of reasonable professional judgment, would endanger the ~~psychologist~~ licensee or increase the danger to a potential victim or victims, or
- e. the ~~psychologist~~ licensee 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~~ licensee or employees of the ~~psychologist~~ licensee. Provided, the ~~psychologist~~ licensee 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 the ~~psychologist~~ licensee or the quality of the services provided, the

~~psychologist~~ licensee may disclose whatever information is necessary to rebut such assertion;

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

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

SECTION 15. This act shall become effective July 1, 1996.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-1668

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