

CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINTS

575:1-1-3. Investigation of requests for inquiry

(a) **Choice of investigative mode when unlicensed individuals are involved.** When violations of the law by unlicensed individuals are brought to the attention of the Board, the Board may conduct an investigation in its own behalf, request investigation by appropriate state agencies, and/or refer the matter to the Office of the Attorney General. The choice of an investigative mode shall depend on the circumstances of the case and shall be made at the discretion of the Board.

(b) **Investigative procedure.** The following is the procedure for investigation of requests for inquiry against licensed psychologists:

(1) **Requirements for requests for inquiry.** The investigation of a request for inquiry about a licensed psychologist may be initiated only when the request for inquiry is in writing, signed, notarized, and filed with the Board. The notarized request for inquiry must contain a brief statement setting forth the allegations of fact and naming the licensee or licensees about whom the request for inquiry is filed. The request for inquiry provides the basis for the chairperson and/or vice chairperson of the Board to:

(A) request an informal meeting with the licensee, whose participation is voluntary,

(B) ~~and/or for appointment of~~ appoint an investigator for the case, ~~and/or~~

(C) recommend to the Board a dismissal for lack of substantial compliance with this subsection. The Board may receive, accept, process, investigate, act upon, and otherwise dispose of written requests for inquiry which are not in substantial compliance with this subsection if the Board, in its discretion, determines that the request for inquiry otherwise contains sufficient indicia of reliability and/or the allegations can be independently verified by the Board.

(2) **Independently verified allegations - written request for inquiry may not be required.** In all inquiries, the Board shall require the request for inquiry to be in writing, signed, and notarized. However, alleged violations of the Psychologists Licensing Act which can be independently verified by the Board may not require written request for inquiry.

(3) **Selection of investigator.** The Board shall select a member or other qualified individual to investigate any request for inquiry regarding any psychologist, ~~or unlicensed individual.~~ This selection may be by majority vote of the Board or by appointment by the chairperson, vice chairperson, or executive officer. An investigator operates under the authority of the Board as granted by the State of Oklahoma.

(4) **Compensation for expenses.** The investigator shall be compensated by the Board for necessary and prudent expenses which are properly documented and approved by the Board.

(5) **Investigator's gathering of information.** The Board member or other individual authorized to receive and investigate requests for inquiry shall gather all information necessary to adequately apprise a Probable Cause Committee. ~~The~~ Once an investigator is appointed, the investigation ~~may~~ shall include interviews with the requesting party, ~~and the~~ licensee named in the request for inquiry, and may include others as appropriate. The licensee will have the opportunity during the investigator's interview to show compliance with all lawful requirements for the retention of the license. The gathering of information to assist the Board in its disposition of requests for inquiry is the only designated function of the investigator during the conduct of the investigation. Any investigative reports prepared and submitted to the Board's Probable Cause Committee, the prosecutorial arm of the Board, are to be used solely to determine whether or not to recommend the pursuit of disciplinary action, and thus constitute confidential and privileged work product material, not subject to disclosure. The investigator shall not offer his/her opinions to the requesting party and/or to the licensee. Such opinions shall include but not be limited to the merits of the request for inquiry and/or whether an ethical violation has occurred.

(6) **Subpoenas Investigative.** The Board may issue subpoenas for the purpose of investigating a request for inquiry following the same procedure as set forth at 575:1-1-4.

(7) **Presentation of Probable Cause Committee's summary and recommendation.** The Probable Cause Committee, comprised of the investigator, counsel to the Board and other appropriate individuals, is an advisory body whose function is to summarize the requests for inquiry and to make an informed recommendation regarding disposition of the requests for inquiry to the Board. The Probable Cause Committee's recommendation will be presented at an open meeting of the Board. The requesting party and the licensee will be given prior written notification of the date, time, and place of that meeting. During the Probable Cause Committee's presentation, no questions will be posed by or to the licensee or the complaining witness pertaining to the substance of the case. Within thirty (30) days following the Board meeting, such ~~Such~~ questions may be submitted in writing to the representative of the Attorney General's office, ~~following the Board meeting.~~

(8) **Dismissal of request for inquiry by majority vote.** Upon consideration of the recommendation, ~~of the Probable Cause Committee,~~ the Board may decide not to pursue further the allegations, and may dismiss and close the request for inquiry by an approving vote of a majority of the members

present in open meeting.

(9) **Informal disposition of certain requests for inquiry.** In some situations including, but not limited to, cases where the inquiry does not allege conduct as described in the Psychologists Licensing Act in Section 1370 or conduct punishable by suspension or revocation of a license, probation, or formal reprimand, the matter may be handled informally. The Board may handle a matter informally by sending an educational letter to the licensee, giving the licensee the opportunity to complete a tutorial, giving the licensee the opportunity to have an educational meeting with a member of the probable cause committee, or any other informal action the Board should deem appropriate. However, no matter can be considered closed until so voted by a majority of the Board in open meeting.

(10) **Recusal of Board member.** A Board member, acting as the appointed investigator or Probable Cause Committee member, shall be recused from all Board decisions relating to the request for inquiry.

(c) **Notification of the disposition of requests for inquiry against licensed psychologists and investigations of them.** At the point at which any request for inquiry and/or investigation is resolved, the Board shall inform the requesting party and the psychologist in writing of the disposition of the matter as well as the supporting rationale based on known facts and applicable laws or rules. The Board shall also notify the Attorney General's Office.

(d) **Confidential information.** Pursuant to 59 O.S. 1370(k), the Board may keep its investigative files confidential, including but not limited to the Request for Inquiry and Investigator's Report.

