



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

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### MEMORANDUM

**TO:** Ohio Board of Psychology

**FROM:** Common Sense Initiative Office

**DATE:** June 7, 2021

**RE:** R.C. §107.56 Referral—*Proposed action concerning the unlicensed practice of psychology*

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### **BACKGROUND**

The Ohio Board of Psychology (the Board) has self-referred for review under Ohio Revised Code (R.C.) §107.56 a proposed action concerning the unlicensed practice of psychology. Specifically, the Board has determined that a particular individual has been practicing psychology without a license issued by the Board. The Board proposed action consists of sending a cease and desist letter to this individual, with the stated purpose of the following: “1) protect Ohio consumers from the unlicensed practice of psychology; 2) put Respondent on notice that she is engaged in the unlawful practice of psychology and direct her to cease the unlicensed practice of psychology; 3) create a public action or record that informs Ohioans about Respondent’s unlicensed status; 4) educate Respondent about the laws and rules governing the practice of psychology; 5) ensure that Ohioans who are referred for psychological treatment, psychological evaluation, and other psychological services receive those services from licensed psychologists who have met the statutory qualifications for admission to the psychologist examination as evidence through their education, training, and experience.” This memo represents the Common Sense Initiative office’s (“CSI’s”) determination under that statute.

### **ANALYSIS**

The Board is this state’s authority governing the practice of psychology. R.C. 4732 *et seq.* The Revised Code prohibits anyone from practicing psychology without a license issued by the Board, unless they must meet certain enumerated exceptions to licensure. R.C. § 4732.21 and 4732.22. Further, Ohio law gives the Board the authority to enforce the provisions of this chapter of the

Revised Code. R.C. § 4732.06. Thus, it is within the Boards authority to act against individuals unlawfully practicing psychology.

As indicated above, the General Assembly has provided statutory authority to enforce the provisions of Chapter 4732 of the Revised Code. The Board's proposed action is clearly within its statutory authority granted by state law enacted through bicameralism and presentment. Thus, there are no determinations required as to whether the Board's proposed action is supported by clearly articulated state policy or constitutes anticompetitive conduct.

### **Determination**

Accordingly, CSI needs make no determination on this action, and hereby returns this matter to the Board to take any action it may require pursuant to its authority in state statute.