

State Attorney General Rules on Psychology Board License Exemption Questions

The State Attorney General has issued a formal opinion that clarifies language in the Psychology Law relative to school psychologists' exemption from licensure and employment relationships with schools. In her opinion (#2003-001) Attorney General Betty Montgomery stated that the exemption from licensing requirements of the State Board of Psychology extends to any school psychologist credentialed by the Ohio Department of Education engaged as an independent contractor, consultant, or employee of any of the entities listed in ORC 4732.22 (A). The Board had requested an opinion in an effort to clarify the legal meaning of the term "scope of employment" as it relates to "certificated" school psychologists serving as contractors or consultants for boards of education, boards of MR/DD, or private schools.

Specifically, the State Board of Psychology requested a Formal Opinion regarding whether the exemption applies only to individuals who are **employees** of boards of education, boards of MR/DD, or private schools, or whether this exemption may also apply to individuals who engage in school psychology work for these entities as independent contractors or consultants. The Board asked the Attorney General if providing school psychological work as a contractor qualifies as "employment" and therefore exempts a school psychologist credentialed under the Ohio Department of Education from the licensing requirements of Revised Code Chapter 4732.

The Attorney General answered this question affirmatively, thereby directing the State Board of Psychology to include in its definition of exemption from licensure school psychologists credentialed under 3301.07 of the Ohio Revised Code who serve as contractors or consultants for boards of education, boards of MR/DD, or private schools. In her opinion, Montgomery indicated that the "manner in which a certificated individual is engaged by one of the entities" is not the issue. The opinion stated, "So long as a certificated school psychologist is engaged by one of the entities named in R.C. 4732.22 (a) either to render school psychological services or to act as a school psychologist, that individual is exempt from the licensure requirements of R.C. 4732.21 (b) in the performance of duties for which he is so engaged and compensated."

This general summary should not be taken as legal advice and individuals with questions as to how this opinion pertains to professional employment relationships are encouraged to should consult an attorney. The entire text of Opinion 2003-001 is available on the Office of the Attorney General's web site: www.ag.state.oh.us.