



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 85-15

January 22, 1985

William E. Siegel, Ph.D.
Chairman
Arkansas Board of Examiners
in Psychology
1515 West 7th Street, Suite 507
Little Rock, AR 72202

Dear Mr. Siegel:

This is in response to your inquiry concerning Act 414 of 1961, as amended, Ark. Stat. Ann. §82-327, et seq. Your question is whether the state's hospital licensing statutes allow psychologists to practice independently in hospitals.

Act 414 requires all institutions subject to the act to be licensed by the State Board of Health which is empowered to adopt relevant rules and regulations. Ark. Stat. Ann. §82-348 and §82-354 (Repl. 1976). The guides for medical staffs and parties who may practice in licensed institutions is addressed in the Health Department's regulations rather than in the Act.

Part Two of Rules and Regulations for Hospitals and Related Institutions in Arkansas addresses an institution's medical staff, a term not expressly defined. However, the institution is required to provide that a patient may be admitted only on the recommendation of a physician and for the choice of a physician and/or dentist. Part 2, §1(C)(8). The regulation further implies that only physicians may practice in licensed hospitals by requiring an organized medical staff where two or more physicians are permitted to practice, by requiring a staff member to designate the type of medicine he wishes to practice and by requiring a physician to complete a history, examination and discharge. Part Two, §2(A), (D), and (F)(8). Part Fourteen, addressing psychiatric hospitals, does not provide for practice by any person untrained in psychiatric patient care thereby excluding one trained exclusively in psychology.

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Accordingly, the above sections of the regulations indicate that presently a psychologist cannot independently practice in licensed hospitals in Arkansas.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Thomas S. Gay.

Sincerely,



STEVE CLARK
Attorney General

JSC:TSG:jkb