



THE EXAMINER

Spring 2017 Edition

Page 1

Board Members:

Clifford A. Johannsen, Ph.D.
Chair
Psychologist, Lake Oswego

Peter Grover, Ph.D.
Vice-Chair
Psychologist, Portland

Patricia Bjorkquist, Ph.D.
Psychologist, Salem

Sandra Jenkins, Ph.D.
Psychologist, Hillsboro

Dorothy Mellon
Public Member, Beavercreek

Anne-Marie Smith, Ph.D.
Psychologist, Oregon City

Jon Weiner
Public Member, Salem

Vacant Position
Public Member

A word from the Executive Director

Our name is changing. House Bill (HB) 2328 was signed into law by the Governor in March, 2017 and our name will be changing from the State Board of Psychologist Examiners to the Oregon Board of Psychology. The Board determined in 2016 that the OBPE name was potentially confusing to the public and antiquated because we no longer administer and examine the national exam, so the Board opted to propose that we change our name. HB 2328 sailed through the House and Senate Healthcare Committees and was approved by the House and Senate. The new name change will take effect on January 1, 2018.

I reported in our Winter 2017 Newsletter that the Board had filed a Proposed Rulemaking Hearing to eliminate the “thirty Day Letter” as a required step in the complaint investigation process as outlined in OAR 858-020-0055. After hearing pros and cons of the 30-day letter, and researching the history of the letter, the Board voted in February 2017 to eliminate the 30-day letter as a requirement for all complaints. The Board, however, still has the option to utilize the 30-day letter should it chose to do so. The Board feels that this move will reduce redundancy in the investigation process and allow the Board to make more efficient use of Board and staff time. The Board also feels that our investigation process will continue to offer Respondents their due process that leads to a fair outcome.

I would like to reach out to all who read this newsletter for some assistance. The Governor’s office has challenged our Board to become more diversified in its makeup. Diversity can include; race/ethnicity, sex, gender (LGBTQ), disability, veteran status and geography. Diversity deepens a Board’s overall experience. Presently, our Board composition is made up of members grouped from the Portland/Salem metro areas and we would like to have representation from other areas of the state. At this time, we have one public member vacancy and are soon to have a second public member position open. If you are interested, or if you know anyone that is interested in serving on the Board, please contact me, or visit the Governor’s website to make application at http://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx.

Finally, I would like to introduce our newest staff member. Mr. William Johnson Jr., has joined our team as an Investigator. Mr. Johnson we feel will add experience, wisdom as well as depth to our staff. Mr. Johnson served in the U.S. Army National Guard and retired with 26 years, achieving the rank of Captain. Mr. Johnson also served for 4.5 years with the San Bernardino, California County Sheriff’s office and he retired from the Portland Police Department with 22 years of service. Mr. Johnson is also a registered Intern with the Oregon Board of Professional Licensed Counselors and Therapists. It’s my honor to welcome Mr. Johnson to our staff.

Charles Hill
Executive Director

“Plans are nothing, but planning is everything” – Dwight D. Eisenhower

In this Issue

A word from the E.D.	1
Admin.Rule	2
CCCE Reminder	2
Licensure Q&A	3
2017 CE Audit.....	3
Mandatory Report.....	4-6
Enforcement Action(s)	6
In Memory Of.....	7
Upcoming Events	7

Administrative Rulemaking

On February 16, 2017, the Board filed a notice of proposed rulemaking for the following proposed amendment:

Code of professional conduct for licensees, residents and applicants.

The proposed amendment adopts the most recent version of the American Psychological Association's (APA) "Ethical Principles of Psychologists and Code of Conduct," effective January 1, 2010 with amendment as of January 1, 2017, as the code of professional conduct applicable to all licensees, residents and applicants of the Board.

For more information about the Code revision, please visit the [APA webpage](#).

The Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact, and proposed rule text showing new language underlined and deleted language with strike-through, are available on the Board's [website](#). Please email your public comments to laree.felton@state.or.us, or mail them to the Board's office at 3218 Pringle Road SE, Ste. 130, Salem, OR 97302. All comments must be received no later than 5:00 p.m. on May 2, 2017.

On February 16, 2017, the Board filed the following permanent administrative rule amendment:

Criminal record checks and fitness determinations for licensure

This amendment modified OAR 858-010-0034 regarding criminal records checks and fitness determinations. The criminal records check procedures were updated and the statewide uniform fitness determination process and criminal records administrative rules (OAR 125-007-0200 through 125-007-0330) were implemented, as required by HB 3168 (2013) and HB 2250 (2015). This includes factors the Board considers as part of fitness determination, how a subject individual may appeal an adverse determination, confidentiality of criminal offender information, and consequence for failure to comply per law.

On March 20, 2017, the Board filed the following permanent administrative rule amendment:

Removes "Thirty-Day Letter" requirement from investigation process.

This amendment removed the "Thirty Day Letter" as a required step in the complaint procedure found in OAR 858-020-0055. The Board reviewed this requirement, which has been in place since 2010, and determined that it was redundant and resulted in an unnecessary burden for both the Board and the respondent. This added step to issue a formal letter by certified mail after the investigation has been completed and require a written response, which is not required by law, delays the investigation process by at least two months. It has frequently led to a slower resolution of complaints. The Board recognizes that when it is reviewing a case, it may still opt to continue the investigation when more information is needed to make a decision.

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CCCE Reminder

For renewal periods beginning January 1, 2016 and later, licenses must complete four hours of cultural competency continuing education (CCCE) within each reporting period. This is a part of, and not in addition to, the total 40 credit hours required. Beginning with renewals that are due December 31, 2017 and later, you will be asked on your renewal form to attest that you have completed the required CCCE within your prior reporting period. As with other CE, this will be verified if you are selected for a random audit and required to send in your CE documentation. Please visit the [Board's CCCE webpage](#) for more info on the requirements and timelines for completion.

NEW! The Oregon Health Authority's (OHA) Office of Equity and Inclusion (OEI) has released a Registry of OHA-approved CCCE Trainings. They will be adding more programs to the list as their advisory committee reviews candidate programs. Please visit the [OEI webpage](#) to access further information, including their most current registry. Ψ

Licensure Q & A

Q: Which license status should I be?

A: By default, Oregon issues an active status license, which may be subsequently changed.

Active status: Licensees actively practicing psychology in Oregon.

Semi-Active status: Licensees who are at least 62 years of age and practicing psychology in Oregon for no more than 20 *client contact* hours per week.

Inactive status: Licensees not currently practicing psychology in Oregon. Recommended for those who have ceased practice or are practicing out of state, but who would like to keep their license status as ‘current’.

Retired status: Licensees retired from the practice of psychology in Oregon. Recommended for those who do not wish to keep a ‘current’ license, either because they have retired or do not plan to practice again in Oregon.

Lapsed status: The license is lapsed due to non-renewal of the license.

Q: I am working at an “exempt” site. Can I put my license on inactive status?

A: No. A licensee may not practice psychology in Oregon, even at an exempt site, while their license is on inactive status.

Q: I am reducing my practice to telehealth services, only. Do I need to maintain an active license?

A: Yes. Currently licensure is required for providing both tele-health services from Oregon, and outside of Oregon to clients in Oregon.

Q: My long-time client is moving to Colorado, and would like to continue sessions via phone while transitioning to a new psychologist. Can I do this with an Oregon license?

A: You will need to contact the Colorado Board regarding their requirements; Oregon does require you be licensed in Oregon as you will be providing services from Oregon. However, every jurisdiction is different, and you will need to ensure that you comply with both Oregon and Colorado rules and statutes.

Q: I retired my license six months ago, and have decided to offer psychological services for a local community services free of charge. How can I reactivate my license?

A: If you are past 60 days of your last renewal due date, you will need to reapply for licensure.

Q: I was overseas, did not receive my renewal notice, and my license is now “lapsed.” How can I reinstate my license?

A: If you are past 30 days, but within 60 days of your last renewal due date, you can submit a Reinstatement Application. If you are past 60 days of your last renewal due date, you will need to reapply for licensure.

Q: Can I change the status of my license prior to my renewal date?

A: Yes. You may request to change your status from “active” or “semi-active” to “retired” or “inactive” by letter or email to the Board office. If you change your status from “inactive” to “active” or “semi-active”, you will need to complete and return a Reactivation Request Form. If your status has been “inactive” for more than five years, you will be required to take the Oregon Jurisprudence Exam before license reinstatement to “active” or “semi-active” status.

More information regarding the licensure status and reinstatement on the Board’s website: <http://www.oregon.gov/obpe/Pages/Status.aspx>

2017 CE Audit

That time of year Again! The CE Audits for 2014-2016 were sent out on April 21, 2017

No. of Licensees in 2017 Random Audit: **146**

Every April, the Board randomly audits 20% of eligible licensees who renewed during the prior year for CE compliance. Selected licensees are notified by letter and required to submit within 60 days their CE audit report and evidence of completion for CE activities completed during their prior two year renewal period. Licensees are notified and given 30 days to submit any missing documentation or to correct an incomplete audit report form.

2016 CE Audit

Status: Still wrapping up the last few submissions.
If you haven’t heard from us yet.
Stay tuned – you’ll hear from our office soon!! Ψ

Mandatory Reporting Law Q & A

Mandatory Reporting of Abuse

A psychologist is considered a “public or private official” and therefore a “mandatory reporter” of the abuse of a child, an elderly person, or a mentally ill or developmentally disabled adult.

1) Elder Abuse [ORS 124.050-124.095]

An “elderly person” means any person 65 years of age or older who is not subject to the provisions of ORS 441.640 to 441.665 (reporting of suspected abuse of residents of long term care facilities).

2) Child Abuse [ORS 419B.005-419B.055]

“Child” means an unmarried person who is under 18 years of age.

3) Mentally Ill or Developmentally Disabled Adult Abuse [ORS 430.735-430.768]

“Adult” means a person 18 years of age or older with (a) a developmental disability who is currently receiving services from a community program or facility or was previously determined eligible for services as an adult by a community program or facility; or (b) a mental illness who is receiving services from a community program or facility. “Community program” means a community mental health program or a community developmental disabilities program as established in ORS 430.610 to 430.695. “Facility” means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility, or crisis respite facility.

Q: May I report an abuse disclosed by a client during therapy?

A: Communication with a client is privileged under ORS 40.230 (psychotherapist-patient privilege), so a psychologist is not *required* to report abuse when the confidential communication is made for purposes of diagnosis and treatment of the client’s mental or emotional condition. *See also* ORS 124.060, ORS 419B.010, and ORS 430.765, which provide that psychologists are not required to report abuse if the information is privileged under ORS 40.230. Under the APA Ethics Code, psychologists must protect confidential information, but may disclose information with appropriate consent. Consent may be obtained from the client at the time of the communication, or you may notify the client of the limits of confidentiality of your therapeutic relationship regarding abuse reporting when you obtain informed consent as required under the Code. You must appropriately document that such informed consent was given. Note that psychotherapist-patient privilege does not apply when, in your professional judgment, the client has revealed a clear and serious intent at the time the communication was made to subsequently commit a crime involving physical injury, a threat to the physical safety of any person, sexual abuse or death. If you believe that the client poses a danger of committing the crime, you may report such communication and will not be civilly liable for any damage or injury resulting from the disclosure. (See ORS 40.252)

Q: May I report an abuse that I learn of outside of my capacity as a psychologist?

A: You **MUST** report child and elder abuse under Oregon law when the communication is non-privileged. Note that mentally ill or developmentally disabled adult reporting is currently only required when you come into contact with the abused person or the abuser in your official capacity as a psychologist. However, SB 760 proposes to change this to align with the other two reporting requirements such that public or private officials must also report abuse when the contact occurs outside of their official capacity.

Mandatory Reporting Cont...

Q: What are the potential consequences for reporting?

A: If the communication is non-privileged or you have obtained consent, you are not liable so long as you reported in good faith. Having good faith does not mean that you need hard evidence- you must have reasonable cause to believe that a child or vulnerable adult was abused. Problems may arise if you FAIL to report an abuse. You may be subject to a Board investigation and sanction, and may be sued for damages in civil court.

Q: What constitutes abuse?

A: You should review the definitions section of each reporting statute, as these vary. In general, abuse includes but is not limited to assault and non-accidental physical injury, neglect, abandonment, involuntary seclusion, improper restraint, willful infliction of physical pain or injury, criminal acts, verbal abuse, mental injury to a child, threatened harm, sexual abuse, exploitation or rape, unlawful exposure to controlled substances, and financial exploitation.

Q: How do I report suspected abuse or neglect?

Reports must be immediately made to the Department of Human Services (DHS) or to a law enforcement agency within the reporter's county. For information about DHS reporting information, visit: <http://www.oregon.gov/DHS/abuse/Pages/index.aspx>.

Permissive Reporting of Abuse

Animal Abuse [ORS 609.650-609.654]

While not mandatory, psychologists may report animal abuse to a law enforcement agency. The same duty to maintain patient confidentiality applies as explained above. However, note that under ORS 40.252, psychotherapist-patient privilege does not apply when, in your professional judgment, the client has revealed a clear and serious intent at the time the communication was made to subsequently commit a crime involving an act described in ORS 167.322 (first degree aggravated animal abuse). You must believe that the client poses a danger of committing the crime. Under ORS 609.654(1), psychotherapist-patient privilege does not apply when you come into contact with an animal that has suffered aggravated animal abuse.

Mandatory Reporting of Health Professionals

Duty to Report Prohibited or Unprofessional Conduct [ORS 676.150 and ORS 675.145]

This law requires healthcare professionals who are licensed or certified by or registered with a board to report the prohibited or unprofessional conduct of other healthcare professionals. It also requires that health professionals self-report misdemeanor or felony convictions and felony arrests to their own licensing board.

Q: Who must report?

A: The law includes licensed psychologists, professional counselors, marriage and family therapists, social workers, massage therapists, physical therapists, medical doctors, nurses, dentists, optometrists, and others. It also includes pre-licensed individuals such as residents and registered interns. This is not limited to psychologists reporting other psychologists. As an example, a psychologist must report the unprofessional conduct of a licensed clinical social worker to the Board of Clinical Social Workers.

Mandatory Reporting Cont...

Q: What type of conduct should be reported, and when?

A: If you have reasonable cause to believe that another licensed or registered health professional has engaged in prohibited or unprofessional conduct, you must report the conduct to the appropriate licensing board within 10 days of learning of the conduct. “Prohibited conduct” includes criminal acts against a patient or client and criminal acts which create a risk of harm to a patient or client. “Unprofessional conduct” is conduct unbecoming a licensee or detrimental to the best interests of the public. This includes conduct that is contrary to the recognized standards of ethics of the licensee’s profession or conduct that endangers the health, safety or welfare of a patient or client. A few examples are breach of confidentiality, incompetence or impairment. Also, you must report to the Board within 10 days if you have been convicted of misdemeanor or felony or arrested for a felony crime.

Q: What if my colleague consults with me about an issue that turns out to be reportable conduct?

A: The law does not allow any exception for consultation group discussions or colleague consultation. It is best practice to remind the other licensed professional of your mandatory reporting requirements and encourage him/her to self-report as well.

Q: What are the potential consequences for reporting?

A: Mandatory reports are confidential under Oregon law. As outlined above, you must obtain consent to report violations learned of in the course of confidential patient communications. You must report if you have *reasonable cause*. This does not require you to be certain that the conduct occurred. You are not liable for damages so long as you reported in good faith. A frivolous complaint—or one made with reckless disregard for or willful ignorance of facts that would disprove the allegation—is a violation of Ethical Principle 1.07. Failure to report the prohibited or unprofessional conduct of another health care professional is a Class A violation and subjects the person to board discipline. Failure to self-report criminal conduct as required may result in board discipline.

Q: If the person is another psychologist, shouldn’t I first attempt an informal resolution?

A: The law may seem to conflict with APA’s Ethical Principle 1.04, which provides for informal resolution of ethical violations. You are required to attempt an informal resolution, but prohibited or unprofessional conduct of other psychologists must still be reported to the Board within ten days. Remember, you must obtain consent to report violations learned of in the course of confidential patient communications. Caveat: If the psychologist in question is your patient, the communication is privileged and there is no mandate to report.

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Recent Enforcement Actions

During the period of time from January 16, 2017 and April 14, 2017 the Board took the following actions:

Jason A. Johnson, Psy.D. (Applicant) **FINAL ORDER**, effective March 17, 2017. Applicant originally applied for licensure with the Board on July 11, 2013. The application was denied when Applicant failed the Examination for Professional Practice in Psychology (EPPP) three times (OAR 858-010-0025 (2)). Applicant submitted another application for licensure received by the Board on March 7, 2016. The Board subsequently reviewed Applicant’s appli-

cation and qualifications for licensure and found that Applicant failed to satisfactorily complete his two year residency requirements. On June 10, 2016, the Board issued a Notice of Application Denial; subsequently, Respondent requested a hearing. On January 27, 2017, the Administrative Law Judge (ALJ) granted the Board’s motion for summary determination and issued a proposed order finding that Applicant’s application should be denied pursuant to ORS 675.030(1). The Board adopted the ALJ’s recommendation and issued an order denying Applicant’s application.

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In Memory Of...



Victoria Noerdlinger Lane, Psy.D.

Victoria Noerdlinger Lane, March 31, 1963 - January 18, 2017. Victoria died peacefully in the arms of her husband Scott Bowler on January 18, 2017 in Portland Oregon. In addition to Scott, she leaves behind her mother and father, Charlotte and Victor Noerdlinger of East Orleans, her beloved son James Alden Lane, her sister Elizabeth and her husband Marc, her brothers Johnson and Mayo and his wonderful wife Susan, 7 nieces and nephews and countless friends. Victoria was a loving and radiant person whom we believed could beat pancreatic cancer. She reached out to everybody, loved and nurtured her friends as well as her family. She excelled in her profession as a clinical psychologist. Who could resist or forget the Joyful blonde in the 1968 bright yellow

Travel-all, sailing a small catboat in Pleasant Bay, swimming in the ocean no matter how rough or how cold. Her grandmother called her The Blonde Bombshell. This free spirit was a dynamo.

Victoria graduated from The Chapin School in New York City and Brown University in Providence Rhode Island. She earned a doctorate in Clinical psychology at The California School of Professional Psychology. She loved to dance, to garden, to read, to shop on the Internet where she always found fantastic bargains. She will be missed by all. A Memorial will be held in Portland Or. on April 7 and a second in Orleans this August. Contributions in her memory may be made to the following Charities: Planned Parenthood, Great Old Broads for Wilderness, ONDA - Oregon Natural Desert Association in Bend, Or. , Wage Hope Pancreatic Cancer or Pancreatic Cancer Action Networks.

Source: <http://www.legacy.com/obituaries/wickedlocal-harwich/obituary.aspx?pid=183720435>

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Upcoming Events 2017

May

5/1: Consumer Protection Committee Meets
 5/8: Supervision Committee Meeting
 5/12: Education Committee Meeting
 5/12: Oregon Jurisprudence Examination
 5/19: **Board Meeting**
 5/29: Office Closed for Memorial Day Holiday

June

6/2: Oregon Jurisprudence Examination
 6/5: Consumer Protection Committee Meets
 6/9: Education Committee Meeting
 6/12: Supervision Committee Meeting

July

7/3: Consumer Protection Committee Meets
 7/4: Office Closed for Independence Day Holiday
 7/7: Oregon Jurisprudence Examination
 7/14: Education Committee Meeting
 7/21: Board Meeting

August

8/4: Oregon Jurisprudence Examination
 8/7: Consumer Protection Committee Meets
 8/11: Education Committee Meeting

September

9/4: Office Closed for Labor Day Holiday
 9/5: Consumer Protection Committee Meets
 9/8: Oregon Jurisprudence Examination
 9/8: Education Committee Meeting
 9/15: Board Meeting

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Reminders

BE GREEN! Please make sure to update your email address if it changes so that you continue to receive correspondence. If you have not provided one, please do so. Notify us right away- but not more than 30 days- of any change in your public or mailing address, phone, or name using the form available on the Board website.



The Examiner is the official newsletter of the Oregon Board of Psychologist Examiners and is edited by board staff. Please visit our website at www.Oregon.gov/obpe, email, or call 503-378-4154 with any comments or sugges-

tions. Ψ

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