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A Word from the Executive Director

Greetings! I am writing this newsletter just as the 2017 Oregon Legislative Session winds down. The Legislature finished its session on July 7th, three days ahead of sine die. This has been a busy session! If you have been keeping up with the newsletters, you know how busy we have been. Moving forward and from this point on, I will be combining the BPE and the BLPCT news into one report.

HB 2319 passed and is now signed into law. HB 2319 established the Board of Psychologist Examiners and the Board of Licensed Professional Counselors and Therapists under the Oregon Mental Health Regulatory Agency while keeping the separate identity of the two boards intact. HB2319 allows for the administrative merger of the Boards and makes permanent the Interagency Agreements that the Boards entered into for the 2013-2015 biennium and again for the 2015-2017 biennium. The focus will be on maintaining and improving customer relations and service. We will begin streamlining operations by reducing/eliminating administrative redundancy and aligning processes, procedures and systems. HB 2319 also made permanent the limited duration positions created in the 2015-2017 budget while adding two additional staff, because staffing had not been keeping pace with the licensee growth of the two Boards over the course of many years. Using GAAP (Generally Accepted Accounting Practices) cost allocation, we will begin charging off all administrative expenses based on percentages of licensees for both Boards. The split for most administrative expenses will be 65/35 with 65% of the expensed covered by the BLPCT and 35% covered by the BPE. Each Board will continue to bear its own share of compliance costs and contested case hearings. The BLPCT will see an increase in administrative costs with the GAAP cost allocation split of 65/35 and will see a \$40 increase in licensing fees for licensees and interns. We will evaluate the GAAP 65/35 split after one year and make adjustments as necessary. I am including an organizational chart for the MHRA in this newsletter (page 2).

For the LPCs and LMFTs, I want to say thank you to everyone who commented and completed the APA ethics code survey. The BLPCT appreciates everyone's comments in helping the Board to arrive at a final decision. Special thanks also, to the Rules Advisory Committee and the various stakeholders in working with the Board. You can review the to the survey results [here](#).

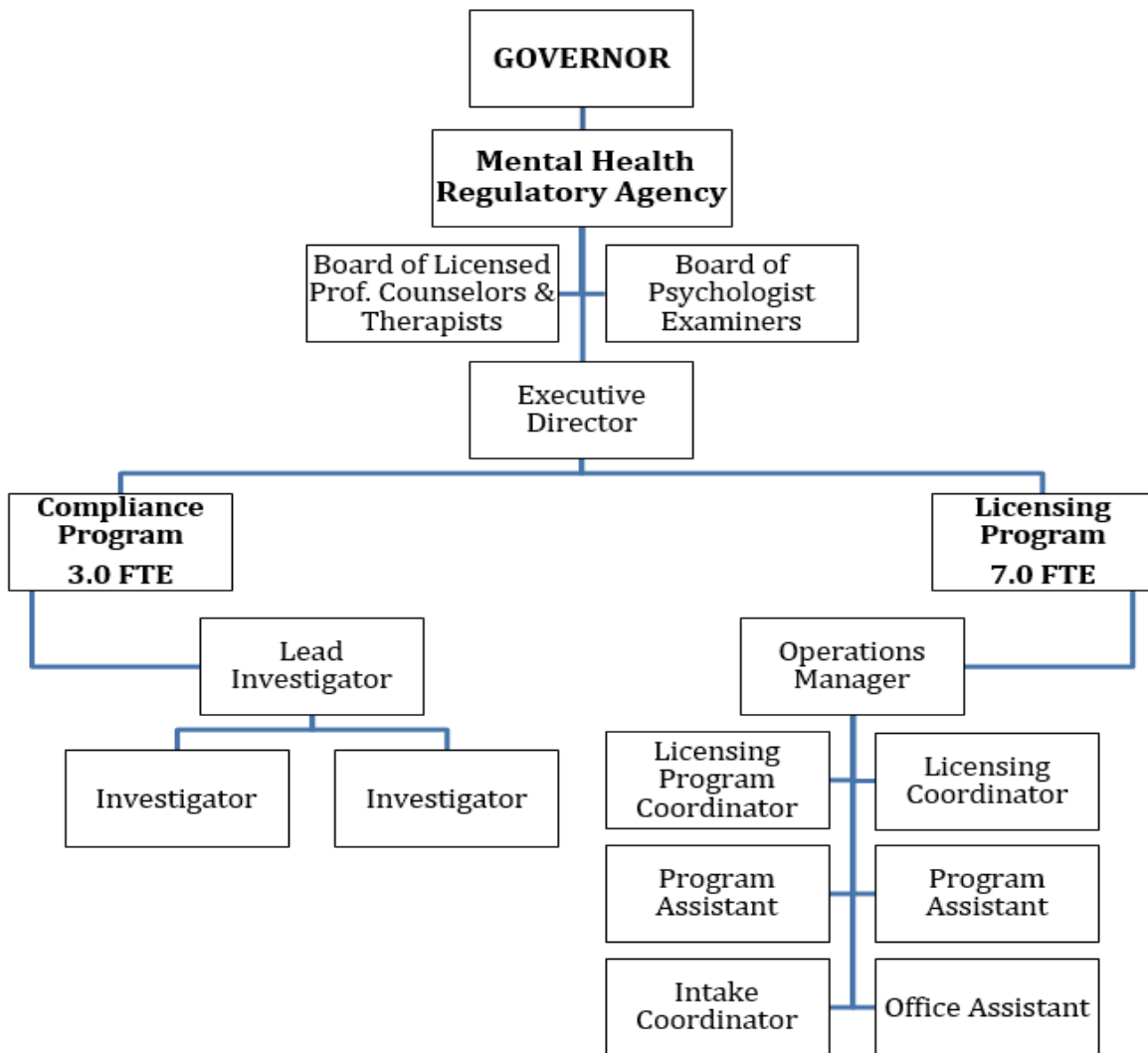
Both the BPE and the BLPCT are seeking to fill vacant positions on their respective Boards. The BPE has two Public Member positions available while the BLPCT has one LPC position available. Our recommendations needs to be into the Governor's office by July 31st for review. If anyone is interested in serving on either of the Boards, please follow click [here](#) to make application. Everyone who has served has told me what an enriching and rewarding experience it is. Finally, I want to thank Dorothy "Dottie" Mellon whose term just ended as a public member on the BPE. Dottie served faithfully, and provided valuable insight to the BPE from her perspective as a member of the public, and she will be missed.

Sincerely,

Charles Hill, Executive Director

"Plans are nothing, but planning is everything" – Dwight D. Eisenhower Ψ

MHRA Organizational Chart



Legislation Passed

HB 2319: Mental Health Regulatory Agency

This brings the administration of the Board of Psychologist Examiners and the Board of Licensed Professional Counselors and therapists under one agency. It includes establishing uniform and streamlined policies and procedures, cooperation and sharing of resources, but maintains the independence of two distinct health regulatory boards (separate enforcement authority, revenues and expenses). The purpose is to increase administrative efficiency, simplify accounting processes, and help to streamline operations. *Effective May 18, 2017; major provisions operative January 1, 2018.*

HB 2328: Board Name Change

The Board proposed this Bill. It renames “State Board

of Psychologist Examiners” to “Oregon Board of Psychology”, a.k.a. “OBOP.” *Effective January 1, 2018.*

HB 2432: Art Therapists

This creates a new art therapist licensing program and board to be administered by the Health Licensing Office (HLO), which will regulate the practice of “art therapy”. The new law prohibits the use of the title “art therapist” for persons not licensed by HLO as an art therapist, including other mental health professionals such as psychologists, LPCs, LMFTs, and social workers. It allows unlicensed individuals to practice until January 1, 2019 under certain conditions. *Effective May 25, 2017; major provisions operative January 1, 2018.*

Legislation Passed, Cont.

SB 48: Continuing Education for Health Professionals

The Oregon Health Authority (OHA) proposed this Bill. It requires the specified health-related licensing boards, including the Board of Psychologist Examiners and the Board of Licensed Professional Counselors and Therapists, to adopt rules requiring that their licensees report completion of CE related to suicide risk assessment, treatment and management at each renewal. It requires the boards to document various data elements from licensees and report biennially to OHA. The Bill as it was originally proposed required licensees to complete three to six hours of CE, but this did not end up in the final enrolled Bill. *Effective June 29, 2017; major provisions operative January 1, 2018.*

SB 760: Abuse Reporting for Mentally Ill or Developmentally Disabled Adults

This removes requirement, for abuse reporting purposes, that contact between public or private official and the abused person or abuser be while acting in official capacity. It aligns the abuse reporting requirement for mentally ill or developmentally disabled adults with that of child and elder abuse reporting. Beginning in 2018, licensees, who are “mandatory reporters,” will be required to report abuse when the contact with the abused person or abuser occurs outside of the licensees’ official capacity. *Effective January 1, 2018.* Ψ

Administrative Rulemaking

Code of professional conduct for licensees, residents and applicants.

This permanent administrative rule 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. *Effective May 27, 2017.* Ψ

Character & Fitness Attestation Questions

Board constituents are encouraged to be as transparent as possible when renewing or applying for licensure. Too often, -licensees/applicants fail to disclose, on either their initial or renewal application, an incident that occurred with law enforcement. That includes convictions and arrests (even if they do not result in conviction), as well as convictions and arrests that have been expunged.

What happens if I fail to disclose, omit, falsify, or mislead on my application?

Failure to disclose *always* results in a Board investigation. The most common explanation the Board receives is “I forgot” or “it was dismissed/expunged”. The Board expects applicants and renewing licensees to be forthright and honest, which is why it is critical to reflect on each question asked and understand that the answer can have serious implications. If there is any ambiguity about whether or not to disclose, side with caution and disclose. Certain arrests/convictions are more serious than others, but a key component to one’s character and fitness is integrity.

If you have been arrested between renewal dates or before applying (or reapplying) for licensure, you must disclose this arrest. The result of the investigation could mean public discipline and/or licensure denial.

What happens if I properly disclose?

Depending on the type of the incident, the Board *may* initiate an investigation, particularly if your explanation is vague, minimizing, disingenuous, or there appears to be missing information. Therefore, full and complete disclosure is critical to your application.

What do I explain / how much do I share about the incident(s)?

A simple statement that you were arrested or convicted on an offense is not sufficient. It is imperative that all

Character & Fitness Attestation Questions, Cont.

character and fitness questions are answered honestly, and that you provide as much information as possible.

Here is a sample of a full explanation on an initial or renewal application question:

“Question #4- Have you ever been arrested for any misdemeanor or felony? Answer, Yes, on February 14, 2008, I was arrested in Bend, Oregon by the Deschutes County Sheriff’s Office for DUII and reckless driving, the case number is 08-01452. I was with my wife celebrating Valentine’s Day and had several drinks over the course of dinner. While driving home, the Sheriff’s Office stopped me for speeding. He must have detected I was impaired because I was asked to step out of my vehicle and asked to perform field sobriety tests. I failed them, and I was arrested for DUII. I appeared for court about a month later on March 12 where I plead no contest and agreed to enter diversion for the DUII and was convicted of reckless driving. I successfully completed all alcohol assessments and court required courses; I have enclosed all the court records showing compliance with diversion and the case was eventually dismissed in March of 2009. I applied for expungement in February of 2010 and it was granted.”

If the Board determines that the explanation was honest and fully disclosed all the details of an arrest or conviction, it may then conclude that no investigation is necessary. The Board reviews these matters on a case by case basis, and if it makes that determination in your case, your application may proceed in the normal course. As previously mentioned, certain arrests/convictions are more serious than others, therefore this may not be the case even with all fully disclosed arrests or convictions.

Respectfully,
Rogelio L. Daniels
Lead Investigator

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Recent Enforcement Actions

During the period of time from April 15, 2017 to July 12, 2017, the Board took the following actions:

Renee Cavanagh, Psy.D. (Applicant), **DEFAULT ORDER**, effective May 19, 2017. The Board reviewed Applicant’s psychologist licensure application and qualifications and found that Applicant failed to satisfactorily complete courses and training required by the Board, and two years of supervised employment in the field of psychology, as required by ORS 675.030(1)(c) and (d). The Board further found that Applicant’s substandard performance as a resident violated ORS 675.070(2)(d)(A) (immoral or unprofessional conduct) as well as violating Ethical Standard 5.01 (Avoidance of False or Deceptive Statements), by submitting an online application to the Association of State & Provincial Psychology Boards (ASPPB) that contained public statements that were false, deceptive or fraudulent. On May 19, 2017, the Board issued a Default Order denying Applicant’s application.

Meredith S. Adams, Psy.D. (Applicant), **FINAL ORDER**, effective May 19, 2017. The Board reviewed Applicant’s psychologist licensure application

and qualifications and voted to deny Applicant’s application based on material errors and omissions in the application, failure to satisfactorily complete residency requirements, and concerns regarding Applicant’s competency and fitness to practice psychology safely and skillfully. On July 28, 2016, the Board issued a Notice of Application Denial; subsequently, Respondent requested a hearing. A hearing was held on March 28, 2017. On April 24, 2017, the Administrative Law Judge (ALJ) issued a proposed order finding that Applicant’s application should be denied pursuant to ORS 675.070(2). The Board adopted the ALJ’s recommendation and on May 19, 2017, issued an order of denial.

Jonathan Lurie, Ph.D. (Licensee), **INTERIM STIPULATED ORDER**, effective May 22, 2017. In 2016, the Board received information believed to be credible regarding Licensee that resulted in the Board initiating an investigation. The Board believes it is necessary that the Licensee agree to cease the practice of psychology until the investigation is complete. On May 22, 2017, Licensee and the Board entered into an Interim Stipulated Order with the following conditions: Licensee voluntarily accepts

suspension from the practice of psychology, and his license will remain suspended pending completion of the Board's investigation. Licensee may not directly communicate with any of his clients. The Interim Stipulated Order is not an admission by Licensee of engagement in wrongdoing or unethical conduct. The Board will conduct an investigation in a timely manner; and at the conclusion of the investigation, Licensee's status will be reviewed.

David T. Bice, Ph.D. (Licensee), **FINAL ORDER ON REMAND**, effective May 26, 2017. On October 8, 2012, the Board issued a Final Order that reprimanded Licensee, ordered him to complete coursework on informed consent, and required him to practice under supervision for at least one year. The Board concluded that licensee engaged in unprofes-

sional conduct in violation of ORS 675.070(2)(d), and violated Ethical Standard (ES) 2.01 Boundaries of Competence, ES 3.04 Avoiding Harm, and ES 10.01 Informed Consent. On November 27, 2012, Licensee requested judicial review of the Final Order by the Oregon Court of Appeals. On May 17, 2013, the Board granted Licensee's request for a stay of the Final Order. On October 19, 2016, the Oregon Court of Appeals issued an opinion that reversed and remanded the Final Order to the Board. Based upon the remand, the Board reconsidered the sanction set forth in its original order. On May 26, 2017, the Board issued a final order that set aside other sanctions but affirmed Licensee's reprimand based on a violation of Ethical Standard 3.04 (avoiding harm) and ORS 675.070(2)(d)(A) (immoral or unprofessional conduct). **Ψ**

Upcoming Events 2017

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

October

10/2: Consumer Protection Committee Meeting
10/2: Social Media Committee Meeting
10/6: Oregon Jurisprudence Examination *
10/13: Education Committee Meeting

November

11/1: Oregon Jurisprudence Examination *
11/3: **Board Meeting**
11/4: **Board's Strategic Planning Session**
11/6: Consumer Protection Committee Meeting
11/6: Social Media Committee Meeting
11/9: Education Committee Meeting

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.

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 contact us with any comments or suggestions.

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Reminder! Please make sure to update your email address if it changes so that you continue to receive correspondence. Notify us right away- but not more than 30 days- of any change in your contact information.

Please use our [Contact Information Change Form](#)

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