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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858
OREGON BOARD OF PSYCHOLOGY

FILED
01/26/2018 10:37 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Resident supervision contract requirements; post-degree supervised work experience for psychology licensure.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/22/2018 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
LaRee Felton
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/22/2018

TIME: 10:00 AM - 11:00 AM

OFFICER: LaRee Felton

ADDRESS: Board of Psychology
3218 Pringle Road SE
Salem, OR 97302

NEED FOR THE RULE(S):

The Board has concern after seeing cases of individuals working outside of a residency contract that are not meeting the minimum standards for training, including receiving inadequate supervision. There have often been cases where individuals practice psychology under a mistaken assumption that their site is exempt, or continue to work past the 24-month statutory limitation, and thereby engage in the unlicensed practice of psychology. This rule is intended to increase accountability for practitioners, bringing them under the purview of a board, which improves public protection but also promotes a successful pathway to licensure. The Board also determined that the rules need to set clear expectations regarding when Record of Supervised Hours and Final Resident Evaluation report must be provided to the Board, which is a crucial component to documenting a resident's licensure qualifications, and to clarify title usage in exempt sites and the Board's authority to approve or reject residency contracts.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR Chapter 858, Division 10, and ORS Chapter 675 are available on the OBOP website at Oregon.gov/obpe/Pages/laws_rules.aspx.

FISCAL AND ECONOMIC IMPACT:

None.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not directly involved; however members of the Board who developed these amendments represent small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This amendment is straightforward and has no fiscal impact.

AMEND: 858-010-0036

RULE SUMMARY: The proposed amendment adds a requirement that post-degree supervised work experience completed in Oregon on or after August 1, 2018 must be in a Board-approved resident supervision contract in order for the experience to qualify towards the one year of post-doctoral supervised work experience required for licensure. This means that work completed at an Oregon "exempt site" outside of a residency contract will no longer count towards the experience requirement for licensure. Post-doctoral supervised work experience completed prior to August 1, 2018 under exemption from ORS 675.010 to 675.150 but not in a Board approved Resident Supervision Contract may qualify towards the one year of post-doctoral supervised work experience required for licensure. The amendment requires that Record of Supervised Hours and Final Resident Evaluation report be provided to the Board within 30 days of the conclusion or termination of the contract. It also clarifies the title usage in exempt sites and the Board's authority to approve or reject residency contracts.

CHANGES TO RULE:

858-010-0036

Post-Doctoral Supervised Work Experience ¶¶

(1) Policy. One year of post-doctoral supervised work experience is required for licensure. The required work experience must take place after the doctorate degree is conferred.¶¶

(a) One year of supervised work experience is defined as 1,500 hours of psychological services performed over a period not less than twelve months.¶¶

(b) Psychological services are defined as direct psychological services to an individual or group; diagnosis and assessment; completing documentation related to services provided; client needs meetings and consultation; psychological testing; research related to client services; report writing; and receiving formal training including workshops and conferences.¶¶

(c) For the purposes of licensure, psychological services do not include business development; credentialing activities; marketing; purchasing; creating forms; administrative billing or other business management activities.¶¶

(d) A person with a doctoral degree in psychology who is employed at an "exempt site" pursuant to ORS 675.090(f) may practice psychology without a license for no more than 24 months from the time they begin practicing at an exempt site. The 24-month time limit does not restart if the person ceases practicing and then begins again, and does not reset if the person begins working at a different exempt site. The person may not use any title incorporating the word "psychologist."¶¶

(2) The following shall be used by the Board to define supervised work experience.¶¶

(a) Unless licensed under or exempted from ORS 675.010 to 675.150, in order to obtain postdoctoral supervised work experience in Oregon, the candidate for licensure must be in a Board approved Resident Supervision Contract practice psychology in Oregon, a person must be in a Board approved Resident Supervision Contract.¶

(i) Post-doctoral supervised work experience completed prior to August 1, 2018 under exemption from ORS 675.010 to 675.150 but not in a Board approved Resident Supervision Contract may qualify towards the one year of post-doctoral supervised work experience required for licensure.¶

(ii) Effective for post-doctoral supervised work experience completed in Oregon on or after August 1, 2018, the experience must be completed in a Board approved Resident Supervision Contract to qualify for licensure. Experience that is not completed under a Board approved Resident Supervision Contract shall not qualify towards the one year of post-doctoral supervised work experience required for licensure.¶

(b) Work experience completed in Oregon must be performed under the supervision of an Oregon licensed psychologist who has been licensed for at least two years in Oregon or in a jurisdiction with licensing standards comparable to Oregon.¶

(c) To receive supervised work experience credit from other jurisdictions, the experience must be a formal arrangement under the supervision of a psychologist who has been licensed for at least two years in a jurisdiction with licensing standards comparable to Oregon.¶

(d) The supervisor is not required to be working on-site with the resident.¶

(e) Frequency:¶

(A) If a resident works 1-20 hours in a week, the resident must receive at least one hour of individual face-to-face supervision during that week.¶

(B) If a resident works more than 20 hours in a week, the resident must receive at least two hours of supervision during that week. One hour must be individual and one hour may be group supervision. Group supervision must be:¶

(i) A formal and on-going group of at least three mental health professionals;¶

(ii) Facilitated by a licensed psychologist; and¶

(iii) Approved by the resident's supervisor.¶

(C) On a non-routine basis, in the absence of the primary supervisor, individual one-on-one supervision hours may be delayed up to 14 days to accommodate vacations, illness, travel or inclement weather.¶

(D) Non-routine individual supervision may occur by electronic means when geographical distance, weather or emergency prohibit a face-to-face meeting.¶

(E) If a resident's work in a particular week does not comply with these requirements, then it may not be counted towards the supervised work experience requirement.¶

(3) Candidates for licensure shall be eligible to enter into a Resident Supervision Contract as described in subsection (2)(a) of this rule.¶

(a) The Board has discretion to approve or reject a proposed Resident Supervision Contract or to rescind a previously approved contract. Resident status shall begin the date the Board approves the Resident Supervision Contract.¶

(b) Duration. The resident status is a transitional step toward licensure and is not intended as a means to avoid licensure. A Resident Supervision Contract shall be effective for a period not to exceed two years from the date of Board approval. The Board may extend the contract beyond two years for good cause upon a written request from the resident and the supervisor prior to the expiration of the contract. Failure to receive a courtesy reminder notice from the Board shall not relieve the resident of the responsibility to timely request an extension.¶

(c) Termination of a Resident Supervision Contract will be granted by the Board at the written request of the supervisor or the resident. The termination shall be effective at the time the Board approves the request in writing, or on the date indicated by the supervisor in the final residency evaluation, whichever is later.¶

(d) If the supervisor is to be paid for supervision payment must be in the form of a per-hour fee.¶

(e) Supervision of more than three residents concurrently shall require prior approval by the Board.¶

(4) Resident's Responsibilities. The resident's conduct must conform to the following standards:¶

(a) Title. The resident must be designated at all times by the title "psychologist resident." All signed materials,

letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation must include the individual's title as "psychologist resident" and the supervisor's name and designation "supervisor."¶¶

(b) Scope of Practice. The resident will only offer services in those areas that the supervisor is competent.¶¶

(c) Nature of Supervision. The resident must obtain frequent and regular supervision meetings throughout the duration of the Resident Supervision Contract. The resident must provide the supervisor with a periodic evaluation of all cases and psychological activities in which the resident is engaged. The resident's practice must comply with Oregon laws and administrative rules.¶¶

(d) Confidentiality. The resident must advise all clients orally and in their informed consent policy that the supervisor may have access to all information and material relevant to the client's case.¶¶

(e) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract.¶¶

(f) The resident must discuss with their supervisor the Supervisor Evaluation Report at the conclusion or termination of the Resident Supervision Contract.¶¶

(g) The resident must submit to the Board a Record of Supervised Hours form within 30 days of the conclusion or termination of the Resident Supervision Contract.¶¶

(5) The supervisor's responsibilities are:¶¶

(a) Review, supervise and evaluate representative and problem cases with attention to diagnostic evaluation, treatment planning, ongoing case management, emergency intervention, recordkeeping and termination;¶¶

(b) Countersign all psychological reports and professional correspondence produced by the resident; and ensure that letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation includes the appropriate title of "psychologist resident" or "psychologist associate resident" and the supervisor's name and designation as "supervisor." Client progress notes do not need to be co-signed by the supervisor.¶¶

(c) Review with the resident, Oregon laws and administrative rules related to the practice of psychology, including the current APA "Ethical Principles of Psychologists and Code of Conduct," professional relationships and referrals, protection of records, billing practices, recordkeeping and report writing;¶¶

(d) Assist the psychologist resident in developing a plan to prepare for the national written exam and the Oregon jurisprudence examination;¶¶

(e) Promptly communicate to the Board any professional or ethical concerns regarding the resident's conduct or performance;¶¶

(f) Notify the Board within fourteen days and explain any significant interruption or expected termination of the Resident Supervision Contract;¶¶

(g) Ensure that the resident has access to supervision by telephone to discuss urgent matters, if the supervisor is unavailable during a period not to exceed fourteen days;¶¶

(h) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request;¶¶

(i) Provide the Board with an interim Resident Evaluation Report upon request; and¶¶

(j) Provide the Board with a final Resident Evaluation Report at within 30 days of the conclusion or termination of the Resident Supervision Contract.¶¶

(6) Associate Supervisor. Any individual supervision of the resident by a person other than the primary supervisor must be identified in the Resident Contract and approved by the Board.¶¶

(a) The associate supervisor is responsible for providing supervision as described in section (5) of this rule in the event that the primary supervisor is unavailable for any reason; and¶¶

(b) The associate supervisor is responsible for reporting professional or ethical concerns regarding the resident's conduct or performance to the primary supervisor and the Board.

Statutory/Other Authority: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110

Statutes/Other Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110