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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

FILED
11/26/2019 11:03 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments to requirements for designation of education and licensure status; qualifying continuing education programs.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/23/2019 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
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HEARING(S)

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

DATE: 12/23/2019

TIME: 10:00 AM

OFFICER: LaRee Felton

ADDRESS:

3218 Pringle Road SE
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NEED FOR THE RULE(S):

The Board, having recently seen cases where licensees expressed confusion or used false designations, determined that there was a need to clarify and expound the rule that sets forth appropriate designation of education and licensure status. The Board also determined that supervision or consultation received for a fee from an Oregon licensed psychologist is not a type of learning activity that should qualify for continuing education credit. This category of credit is difficult to appropriately document and has become problematic during audit. There have been cases where this option was misused to thwart the continuing education requirements and avoid substantive professional development programs. There is an ample variety of other options for qualifying continuing education programs. Also, to avoid confusion, the Board found that it should clarify that programs completed to fulfil the terms of a Board order or agreement do not qualify towards the continuing education requirements for licensure renewal or reinstatement. Licensees should not be allowed to "double dip" and use education that is mandated to address an area of concern to also satisfy their ongoing education required to maintain their license.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR Chapter 858 and ORS Chapter 675 are available on the OBOP website at <https://www.oregon.gov/Psychology/Pages/LawsRules.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. Small businesses are not subject to this rule.

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?

The proposed amendments are uncomplicated and address specific concerns of the Board. The Board did not determine that an additional committee beyond the nine-member Board and its staff was necessary to develop the rules.

RULES PROPOSED:

858-010-0062, 858-040-0035, 858-040-0036, 858-040-0065

AMEND: 858-010-0062

RULE SUMMARY: This proposed amendment modifies the rule requirements for designation of education and licensure status. It adds inactive status designations and prohibits false designations for non-existent specialty licenses.

CHANGES TO RULE:

858-010-0062

Designation of Education and Licensure Status ¶¶

(1) Psychologists licensed pursuant to ORS 675.030 or 675.050 ~~may:~~¶¶

(a) Must only designate their academic degree using appropriate initials including "Ph.D.," "Psy.D.," or "Ed.D." as awarded by the degree-granting institution. Licensure status may only be designated as "¶¶

(b) Must only designate their licensure status as "psychologist" or "licensed psychologist." Inactive status licensees must only designate their licensure status as "inactive psychologist" or "inactive licensed psychologist."¶¶

(2) Psychologist associates licensed pursuant to ORS 675.065 ~~may:~~¶¶

(a) Must only designate their academic degree using appropriate initials including "M.A." or "M.S." as awarded by the degree-granting institution. Licensure status may only be designated as "psychologist associate."¶¶

(b) Must only designate their licensure status as "psychologist associate" or "licensed psychologist associate." Inactive status licensees must only designate their licensure status as "inactive psychologist associate" or "inactive licensed psychologist associate."¶¶

(3) The Board does not issue specialty licenses. Licensees must not use false designations such as "licensed clinical psychologist" or "licensed forensic psychologist associate" in reference to their Oregon license.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.110

AMEND: 858-040-0035

RULE SUMMARY: The proposed amendment removes supervision or consultation for a fee from an Oregon Licensed Psychologist as qualifying for continuing education credit.

CHANGES TO RULE:

858-040-0035

Programs Which Qualify for Continuing Education Credit ¶

Policy. Acceptable continuing education must be a learning activity which contributes directly to the professional competence of the licensee.¶

(1) Program Prerequisites. Continuing Education programs shall qualify for credit if:¶

(a) The subject matter deals primarily with substantive psychological issues, skills or Oregon laws, rules and ethical standards related to one's role as a psychologist or psychologist associate.¶

(b) The program is conducted by a qualified instructor or discussion leader. A qualified instructor or discussion leader is a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter; and¶

(c) A record of attendance, such as a certificate of completion, is obtained.¶

(2) Qualifying Programs. The following shall qualify for continuing education credit, provided that they comply with all other CE requirements:¶

(a) Substantive professional development programs of recognized mental health organizations;¶

(b) University or college courses taken at accredited universities and colleges. Each classroom hour shall equal one qualifying hour;¶

(c) Formally organized work place educational programs;¶

(d) Formally organized study groups that comply with the following;¶

(A) At least two other mental health professionals attend;¶

(B) The study group prepares and preserves a syllabus of meeting dates and study topics in advance;¶

(C) A record is kept of each study group meeting. The record must include the names of the participants present, the subject matter and references which relate to any written material utilized; and¶

~~(e) Supervision or Consultation Received for a fee from an Oregon licensed Psychologist.¶~~

~~(A) Credit shall be given only to the licensee receiving supervision or consultation, not to the licensee providing supervision or consultation.¶~~

~~(B) No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.¶~~

(f) Home Study including internet and tele-courses.¶

(g) Published articles and books authored or co-authored by the licensee.¶

(h) Lecturer: Service as an instructor, discussion leader, or speaker.¶

(A) Lecturer credit may be claimed for work that is either paid or unpaid.¶

(B) Lecturer credit shall be allowed for the first time a course is taught. No credit shall be allowed for repeat presentations unless an instructor can demonstrate that the program content was substantially changed and such change required significant additional study or research.¶

(i) Service as an Oregon Board of Psychologist Examiners member or committee volunteer.¶

(j) Ethics committee meetings of professional associations.¶

(k) Formal trainings on office records organization, records maintenance and security procedures, or billing software instruction.¶

(l) Reading books or articles from peer-reviewed journals (home study).

Statutory/Other Authority: ORS 675.110

Statutes/Other Implemented: ORS 675.110(14)

AMEND: 858-040-0036

RULE SUMMARY: The proposed amendment specifies that programs completed to fulfil the terms of a Board order or agreement do not qualify towards the continuing education requirements for licensure renewal or reinstatement.

CHANGES TO RULE:

858-040-0036

Programs Which Do Not Qualify for Continuing Education Credit ¶

- (1) Marketing; investments; and practice building strategies.¶
- (2) Yoga; therapeutic massage;¶
- (3) Non-Clinical administrative staff meetings;¶
- (4) Word processing computer skills;¶
- (5) Therapies which are not widely recognized as within the scope of practice of psychology, through research or scientifically demonstrated clinical effectiveness.¶
- (6) Programs that are completed to fulfil the terms of a Board order or agreement do not qualify towards the continuing education requirements for licensure renewal or reinstatement.

Statutory/Other Authority: ORS 675.110

Statutes/Other Implemented: ORS 675.110(14)

AMEND: 858-040-0065

RULE SUMMARY: The proposed amendment removes evidence of completion provisions for consultation or supervision received.

CHANGES TO RULE:

858-040-0065

Evidence of Completion ¶¶

- (1) Evidence of completion must be retained by the licensee for a minimum of two years after the reporting period.¶¶
- (2) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee.¶¶
- (3) The following shall constitute evidence of completion:¶¶
 - (a) For academic credit: a copy of a transcript showing satisfactory completion of the course.¶¶
 - (b) For professional development or workplace educational programs, formal trainings or home study activities: a certificate of attendance. A copy of a paid receipt showing licensee's name as the payor, along with a conference brochure, workshop flier or program schedule, may serve as evidence of completion for no more than eight hours of continuing education credit. Documentation must at minimum show the qualified instructor(s)'s name and degree, date, start and end time, and subject matter of the program.¶¶
 - (c) For ethics committee meetings of professional organizations: meeting minutes showing the meeting date, ethics content, and licensee's name as a participating member.¶¶
 - (d) For formally organized study groups: a copy of the study group meeting record.¶¶
 - (e) ~~For consultation or supervision received: copies of a cancelled check or a signed verification by the psychologist providing services.¶¶~~
 - (f) For authoring published material or reading books or journal articles: a copy of pertinent pages of the material showing the article/chapter title (if applicable), book/journal name, author(s), and date of publication.¶¶
 - (g) For lecturer credit: a copy of the course syllabus, conference brochure, workshop flier, program schedule or signed verification from the sponsor. Documentation must at minimum show the licensee's name as the lecturer, date, start and end time, and subject matter.

Statutory/Other Authority: ORS 675.110

Statutes/Other Implemented: ORS 675.110(14)