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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**  
11/20/2020 9:26 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Online Oregon Jurisprudence Exam

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/22/2020 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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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**NEED FOR THE RULE(S):**

The Board has been contemplating a move to an online format for some time, and the COVID-19 global pandemic has made this decision imminent. Tele-therapy services are becoming commonplace in the psychology profession. This proposal will save exam candidates the expense, hassle, and currently the risk of traveling to the Board's office in Salem to take a written exam. It will also save staff time and resources to print, administer, and hand-grade exams.

**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.

AMEND: 858-010-0030

RULE SUMMARY: This proposal makes amendments that allow the Board to move the jurisprudence exam from an in-person to an online format. It also clarifies the requirements and reorganizes.

CHANGES TO RULE:

858-010-0030

#### Procedures for Oregon Jurisprudence Examination ¶¶

(1) Jurisprudence Examination. The purpose of the examination is to measure the candidate's knowledge and application of state laws and regulations related to the professional practice of psychology, including the American Psychological Association's ethical principles incorporated by Board statute and rule.¶¶

~~(a) Candidates~~ (2) Eligibility. An exam candidate must obtain a passing exam score before the Board will issue a license.¶¶

(a) Candidates for licensure whose education credentials, training and references have been accepted by the Board shall be notified in writing of their eligibility take the jurisprudence examination.¶¶

~~(b) The jurisprudence examination shall be administered at least twice a year~~ A candidate for licensure who was formerly licensed in Oregon must re-take and pass the examination if their application for licensure is received more than 2 years after their license expired.¶¶

~~(2c) Eligible~~ A candidates prepared to take the jurisprudence examination must submit a written request to the Board postmarked at least 30 days prior to th for licensure must re-take and pass the examination if the candidate does not become licensed within 2 years of passing the exam.¶¶

~~(3) Eligible candidates prepared to take the jurisprudence examination date and~~ must pay the examination fee.¶¶  
~~(3) prior to taking the exam.~~ The jurisprudence examination fee is not refundable except in extraordinary circumstances.¶¶

~~(4) The applicant shall be given notice of the date, time and place of the applicant's scheduled examination. Appearance at the scheduled examination shall constitute a waiver of the prior written notice.¶¶~~

~~(5) Special Accommodations.~~ Requests for special accommodations for a disability or for English as a second language must be made at the time the written request to sit for the examination is made, or when the disability becomes known to the applicant. The request must include:¶¶

(a) Disability: Written verification of the disability from a qualified care provider (i.e. a person certified or licensed by the state to provide such services) detailing:¶¶

(A) Nature, extent and duration of disability; and¶¶

(B) Recommendation(s) for accommodation.¶¶

(b) English as a Second Language: Written request for reasonable accommodation detailing:¶¶

(A) Level of proficiency in English including, but not limited to, number of years speaking and/or writing English;¶¶

(B) History of special accommodations granted in similar testing circumstances;¶¶

(C) Other information to support request for special accommodation; and¶¶

(D) Recommendation(s) for accommodation.¶¶

~~(65) Administration.~~¶¶

(a) The Board shall determine the questions on each examination and shall determine the passing score.¶¶

(b) The Board shall ~~provide~~ make available to each ~~exam~~ candidate a Candidate Handbook that includes a copy of the Board's examination rules, an explanation of the procedures, Board requirements related to scheduling and conduct during the examination, and current examination study materials. ~~The Candidate Handbook shall be~~

available on the Board's website examination conduct, and current examination study materials.¶

(c) Disqualification. An exam candidate sitting for the jurisprudence examination may be disqualified during or after the examination for conduct which affects the integrity of the candidate's performance or the examination. Disqualification will result in denial of the candidate's application.¶

(7d) Scoring. Exam candidates shall be assigned an identification number. The Board shall notify each candidate in writing regarding the result notified of their examination.¶

(8) Reconsideration, Review and Reexamination result.¶

(a) Within thirty days after notice of the examination results, a candidate who does not pass the examination may appeal in writing to have their examination rescored. Failure to Pass.¶

(b) Review. A candidate who does not pass the examination may review the examination record of incorrect questions and answers at the Board's office within a period of ninety days following the date of the examination and upon written request to the Board. The purpose of the review is to assist the candidate prepare to retake the examination. No more than one review shall be allowed.¶

(c) Reexamination. A candidate who does not pass the examination may be reexamined following a mandatory waiting period of 30 days following each failure to allow the candidate to sufficiently prepare for a reexamination.¶

(c) Study Plan. If a candidate does not pass the second examination and wishes to take a third examination, the candidate must submit a study plan for the Board's review and approval prior to sitting for the third examination.¶

(d) Third Failure. If a candidate fails to pass the third examination, the candidate's application for licensure shall be denied.¶

(d) A candidate for licensure who was formerly licensed in Oregon must re-take and pass the examination if their application for licensure is received more than 2 years after their license expired.¶

(e) A candidate for licensure must re-take and pass the examination if the candidate does not become licensed within 2 years of passing the exam.

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

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