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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
01/14/2021 9:50 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Board member compensation.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/24/2021 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 determined that this change was needed to ensure that members receive compensation for the performance of their official duties in an amount that is commensurate with the volume and rigor of work required. The last increase was in 2010.

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:

Increases per diem rate from \$50 to \$75 for Board members.

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 amendment is uncomplicated and addresses 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 this minor rule amendment.

AMEND: 858-010-0005

RULE SUMMARY: This proposal increases the daily per diem that Board members receive.

CHANGES TO RULE:

858-010-0005

Board Duties and Procedure ¶¶

- (1) Board Meetings. The Board shall meet as necessary at a time and place specified by the Board and at such other times and places as specified by the chair of the Board, a majority of members of the Board or by the Governor. The time and place of all meetings shall be posted on the Board's website.¶¶
- (2) Board Members. Board members shall receive a per diem of \$750 a day for board meetings, conference attendance, presentations and Board committee meetings when acting in their official capacity.¶¶
- (3) Internal Organization. At the last meeting in each fiscal year, the first order of business shall be organizational matters, including election of Board chair and vice-chair and the assignment of standing responsibilities to Board members. The term of the chair, vice-chair or any standing assigned responsibility can be changed or terminated at any meeting where the proposal has been placed on the agenda and sent to the members one week in advance of the meeting, or by unanimous consent of the Board.¶¶
- (4) Chair and Vice Chair Responsibilities:¶¶
- (a) The chair is authorized to take emergency action between Board meetings, subject to ratification by the Board. However, in the case of actions significant enough to normally require Board decisions, the chair shall first attempt to get authorization for such decisions from the Board members through telephone or email communication. All emergency actions of any kind shall be noted in the agenda for the next meeting and shall become the first order of business at that next meeting;¶¶
- (b) The vice-chair shall perform the duties of the chair when the chair is unable to do so.¶¶
- (5) Board Communications. Only the Board chair shall write other than routine or form letters in the name of the Board unless members are specifically authorized in a Board meeting to do so. The Board should approve in advance any correspondence that may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the chair may be required to take immediate action that shall be reviewed at the next meeting of the Board.¶¶
- (6) Board Files. All Board files shall be assembled in the Board's official office. The Board administrator shall maintain the Board's files under the direction of the chair. The Board Administrator shall maintain a master record of any files that are checked out of the Board office by Board members. The Board Administrator shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy.¶¶
- (7) Minutes and Agendas¶¶
- (a) The minutes of a meeting shall be distributed to all Board members at least one week in advance of the next meeting;¶¶
- (b) The agenda shall be prepared by the Board chair or Board administrator and distributed to all Board members at least one week before each meeting. The agenda items shall include reports by the Board administrator, the chair and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Board chair, the Board administrator shall make additional scheduling at the direct request of Board members. The Board may at its

discretion, revise the agenda or limit it to a particular topic under special circumstances. Reports may be added as an addendum to the minutes of any meeting; and¶¶

(c) The agenda shall be distributed to all licensees and applicants for licensure.¶¶

(8) The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, printed and promulgated by the Attorney General shall be the rules of procedure before the Board under ORS 183.310 to 183.500.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.110, ORS 675.130, ORS 675.100