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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
07/21/2021 4:36 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Psychologist associate licensure sunset and doctoral education cleanup.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/25/2021 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):

House Bill (HB) 2117 was signed by the Governor on June 11, 2021, and has an effective date of September 25, 2021. Provisions of the Bill that repeal ORS 675.065, and thereby remove the Board of Psychology's authority to issue new psychologist associate licenses, become operative on January 1, 2022. The Board must engage in rulemaking to implement the requirements of HB 2117 by removing provisions that function to set requirements for and accept new psychologist associate licensure applications by the operative date of January 1, 2022.

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>. House Bill 2117 (2021) can be found on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2117>.

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 mandated by legislation, are uncomplicated in nature, and address a specific function 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:

858-010-0010, 858-010-0012, 858-010-0013, 858-010-0015, 858-010-0016, 858-010-0034, 858-010-0056

AMEND: 858-010-0010

RULE SUMMARY: This amendment removes some old rule language that has become obsolete, and does minor reorganization for clarity.

CHANGES TO RULE:

858-010-0010

Education Requirements - Psychologist ¶

To meet the education requirement of ORS 675.030(1), applicants for licensure must possess a doctoral degree in psychology from an approved doctoral program in psychology, as set forth below:¶

(1) A program accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA) as of the date the degree was conferred; or¶

(2) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred, if the program submitted an application to the APA or CPA for accreditation prior to the date the degree was conferred and has been granted a site visit by the APA or CPA. The program must not have withdrawn its APA or CPA accreditation application or have been denied accreditation as of the date the licensure applicant enrolled in the program; or¶

~~(3) Effective through July 22, 2019: A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred, if the applicant can verify their enrollment in the program prior to July 22, 2014; or¶~~

(4) A foreign program that has been evaluated by a credentialing body recognized by the Board. Submission of foreign degree evaluation and cost of the foreign degree qualification determination are the responsibility of the applicant.¶

~~(5) An The applicant who possesses a degree under section (3) or (4) must show that his or their doctoral program in psychology meets all of the following requirements:¶~~

~~(a) A minimum of three academic years of full-time graduate study.¶~~

~~(b) A minimum of one continuous year in-residence at the institution from which the degree is granted.¶~~

~~(A) One continuous year means two consecutive semesters or three consecutive quarters.¶~~

~~(B) In-residence means physical presence, in person, at an educational institution or training facility in a manner that facilitates acculturation into the profession, the full participation and integration of the individual in the educational and training experience, and includes faculty and student interaction.¶~~

~~(C) The doctoral program may include distance education, but a minimum of one continuous year of the program shall be in-residence. Programs that use physical presence, including face-to-face contact for durations of less than one continuous year, (e.g., multiple long weekends and/or summer intensive sessions) or that use video teleconferencing or other electronic means as a substitute for physical presence at the institution do not meet the in-residence requirement.¶~~

~~(D) Effective through August 12, 2015, applicants who can verify that they enrolled in their program prior to~~

August 12, 2011 may apply under the "old rule" definition of in-residence. Under this provision, one continuous year means a minimum of 500 hours of student-faculty contact involving face-to-face individual or group educational meetings. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90 percent of the time, be documented by the applicant and the institution, and relate substantially to the program components specified. Items such as receptions, meals, group socials and library tours may not count towards the minimum 500 hours of educational meetings. Applicants applying under this provision shall submit full documentation that they have met this requirement, which must include a detailed description of the content of the 500 hours of educational meetings and be verified by the administration of the doctoral program.¶¶

(c) The program, wherever it may be administratively housed, must be clearly identified and labeled as a program in psychology. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.¶¶

(d) The psychology program must stand as a recognizable, coherent organizational entity within the institution.¶¶

(e) There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.¶¶

(f) The program must be an integrated, organized sequence of study.¶¶

(g) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.¶¶

(h) The program must have an identifiable body of students who are matriculated in that program for a degree.¶¶

(i) The program must include a coordinated, sequential and supervised practicum appropriate to the practice of psychology as described in OAR 858-010-0012.¶¶

(j) The program must include a coordinated, sequential and supervised internship, field or laboratory training appropriate to the practice of psychology as described in OAR 858-010-0013.¶¶

(k) The curriculum of the program must:¶¶

(A) Encompass a minimum of three academic years of full time graduate study, including a minimum of one continuous year in residence at the educational institution granting the doctoral degree;¶¶

(B) Require an original dissertation or equivalent that was psychological in nature that meets the requirement for an approved doctoral program; and¶¶

(C) Include at least 30 semester hours or 45 quarter hours of credit in graded (not "pass-no pass") courses.¶¶

(l) The core program shall include a minimum of three graduate semester hours or 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of 15 hours of classroom instruction per semester hour) in each of the following substantive content areas:¶¶

(A) Scientific and professional ethics and standards;¶¶

(B) Research design and methodology;¶¶

(C) Statistics;¶¶

(D) Psychometric theory;¶¶

(E) Biological bases of behavior such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, physical ergonomics, or psychopharmacology;¶¶

(F) Cognitive-affective bases of behavior such as learning, thinking, motivation, emotion, memory, cognitive information processing, or social cognition;¶¶

(G) Social bases of behavior such as social psychology, group processes, organizational and systems theory; and¶¶

(H) Individual differences in behavior such as personality theory, human development, personnel psychology or abnormal psychology.¶¶

(m) All professional education programs in psychology must include course requirements in developed practice areas/specialties.¶¶

(n) The program must demonstrate that it provides training relevant to the development of competence to practice in a diverse and multicultural society.¶¶

(o) Demonstration of competence in clinical psychology shall be met by a minimum of 18 graduate semester hours or 27 graduate quarter hours in the following areas: personality and intellectual assessment, diagnosis,

therapeutic intervention, and evaluating the efficacy of intervention.¶

(p) If the program does not meet the core and/or clinical coursework requirements of (l) and (o), the applicant for licensure may remedy a deficiency of up to 6 semester hours or 9 quarter hours by completing graduate level coursework in the deficient content area(s) at a regionally accredited institution.¶

(64) Applicants must provide syllabi or other documentation regarding course content upon the Board's request.

Statutory/Other Authority: ORS 675.030, ORS 675.110

Statutes/Other Implemented: ORS 675.030(1)(b)(c)

AMEND: 858-010-0012

RULE SUMMARY: This amendment implements House Bill 2117 by removing reference to OAR 858-010-0015 which is being repealed.

CHANGES TO RULE:

858-010-0012

Practicum ¶

(1) The degree program required in OAR 858-010-0010 ~~or 858-010-0015~~ must include an organized practicum of at least two semesters (or three quarters) and at least 300 hours of supervised psychological services as defined in OAR 858-010-0036(1)(b).¶

(2) Supervision must include the following:¶

(a) Discussion of services provided by the student;¶

(b) Selection of service plan for and review of each case or work unit of the student;¶

(c) Discussion of and instruction in theoretical concepts underlying the work;¶

(d) Discussion of the management of professional practice and other administrative or business issues;¶

(e) Evaluation of the supervisory process by the student and the supervisor;¶

(f) Discussion of coordination of services among the professionals involved in the particular cases or work units;¶

(g) Discussion of relevant state laws and rules;¶

(h) Discussion of ethical principles including principles applicable to the work;¶

(i) Review of standards for providers of psychological services; and¶

(j) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.030, 675.110

AMEND: 858-010-0013

RULE SUMMARY: This amendment implements House Bill 2117 by removing reference to OAR 858-010-0015 which is being repealed.

CHANGES TO RULE:

858-010-0013

Internship ¶

(1) Applicants must successfully complete an organized internship as part of the degree program required in OAR 858-010-0010 ~~or 858-010-0015.~~ ¶

(2) The internship must include at least 1,500 hours of supervised experience and be completed within twenty-four months. ¶

(3) The internship program must meet the following requirements: ¶

(a) The internship must have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of student work, and made available to prospective interns. ¶

(b) A psychologist licensed by the appropriate state or provincial licensing authority must be clearly designated as responsible for the integrity and quality of the internship program. ¶

(c) Interns must use titles indicating their training status. ¶

(d) The internship must be designed to provide a planned sequence of training experiences focusing on breadth and quality of training. Supervision and training related to ethics must be ongoing. ¶

(e) At least twenty-five percent of the internship experience must be in direct client contact providing assessment and intervention services. ¶

(f) For every 40 hours of internship experience, the student must receive: ¶

(A) At least 2 hours of regularly scheduled, formal, face-to-face in person individual supervision that addresses the direct psychological services provided by the intern; and ¶

(B) At least 2 hours of other learning activities such as case conferences, seminars on applied issues, conducting co-therapy with a staff person including discussion of the case, and group supervision. ¶

(3) Supervision of the internship experience. ¶

(a) The internship setting must have two or more psychologists available as supervisors, at least one of whom is licensed as a psychologist. ¶

(b) The internship experience must be supervised by the person(s) responsible for the assigned casework. ¶

(c) At least seventy-five percent of the supervision must be by a licensed psychologist with two years post-license experience.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.030, 675.110

REPEAL: 858-010-0015

RULE SUMMARY: This rule is proposed to be removed in order to implement House Bill 2117, which repeals the Board's authority to issue new psychologist associate licenses. The psychologist associate educational requirements will no longer be needed because the Board will no longer accept applications for psychologist associate licensure as of the January 1, 2022 effective date.

CHANGES TO RULE:

~~858-010-0015~~

~~Education Requirements – Psychologist Associate~~

~~(1) To meet the education requirement of ORS 675.065(4)(c), an applicant must possess a master's degree in psychology from a program at an institution of higher learning that was accredited by a regional accrediting agency at the graduate level as of the date the degree was awarded, or for Canadian universities, an institution of higher education that was provincially or territorially chartered.¶¶~~

~~(2) The master's program must include at least 45 quarter hours or 30 semester hours of graduate credit, 30 quarter hours or 20 semester hours of which must be in graded (not "pass-no pass") courses. Hours must be from at least five of the basic areas of psychology including:¶¶~~

~~(a) Experimental psychology; Learning theory; Physiological psychology; Motivation; Perception; Comparative psychology; Statistical methods; Design of research; Developmental psychology; Individual differences; Social psychology; Organizational psychology; Personality theory; Abnormal psychology; and¶¶~~

~~(b) A minimum of one graduate level course in ethics; and¶¶~~

~~(c) A minimum of one graduate level course in psychological tests and measurements.¶¶~~

~~(3) If the master's program does not meet the coursework requirements of (2), the applicant for licensure may remedy a deficiency of up to one course or 3 semester hours or 4.5 quarter hours by completing graduate level coursework in the deficient content area at a regionally accredited institution.¶¶~~

~~(4) Effective July 26, 2016: The master's program must have included a minimum of one continuous year in-residence at the institution from which the degree is granted.¶¶~~

~~(a) One continuous year means two consecutive semesters or three consecutive quarters.¶¶~~

~~(b) In-residence means physical presence, in person, at an educational institution or training facility in a manner that facilitates acculturation into the profession, the full participation and integration of the individual in the educational and training experience, and includes faculty and student interaction.¶¶~~

~~(c) The master's program may include distance education, but a minimum of one continuous year of the program shall be in-residence. Programs that use physical presence, including face-to-face contact for durations of less than one continuous year, (e.g., multiple long weekends and/or summer intensive sessions) or that use video teleconferencing or other electronic means as a substitute for physical presence at the institution do not meet the in-residence requirement.~~

~~Statutory/Other Authority: ORS 675.065~~

~~Statutes/Other Implemented: ORS 675.065(1)(4)(c)~~

AMEND: 858-010-0016

RULE SUMMARY: This amendment implements House Bill 2117 by removing reference to OAR 858-010-0015 which is being repealed.

CHANGES TO RULE:

858-010-0016

Standard Application Procedure ¶

(1) Filing of Applications. Applicants must submit a complete application for licensure to the Board. The Board shall process each submitted application to determine if the application file is ready for review. Applications are considered ready for review for completeness when the following items have been received:¶

(a) Final graduate level transcript(s) imprinted with date degree was awarded;¶

(b) Reference forms;¶

(c) Social Security Number Authorization form;¶

(d) For non-APA accredited schools only:¶

(A) University Accreditation form;¶

(B) Educational Record in Psychology form; and¶

(C) Verification of pre-degree supervised work.¶

(e) Verification of post-degree supervised work experience (if completed);¶

(f) National written examination (EPPP) score (if taken);¶

(g) Verification of licensure in good standing in other states (if any);¶

(h) Application fee;¶

(i) Fingerprinting fee and results of the criminal background check; and¶

(j) Other clarifying information requested by the Board.¶

(2) The Board may issue a license if the candidate for licensure:¶

(a) Meets the education requirements of OAR 858-010-0010 or ~~858-010-0015~~;¶

(b) Completes the supervised work experience requirements of OAR 858-010-0036 or 858-010-0037.¶

(c) Passes the national written examination (EPPP); and¶

(d) Passes the Oregon Jurisprudence Examination.

Statutory/Other Authority: ORS 675.030

Statutes/Other Implemented: ORS 675.030(1)(a), (b), (c), (d), (e), (2)

AMEND: 858-010-0034

RULE SUMMARY: This amendment implements House Bill 2117 by removing reference to applicants for psychologist associate licensure as of January 1, 2022.

CHANGES TO RULE:

858-010-0034

Criminal Records Checks and Fitness Determinations ¶¶

- (1) The purpose of this rule is to provide for the reasonable screening of licensees and applicants for licensure to determine if they have a history of criminal behavior and are not fit to hold a license that is issued by the Board.¶¶
- (2) The following persons ("subject individuals") must take the steps necessary to complete a nationwide criminal records check under ORS 181A.195:¶¶
 - (a) All applicants for ~~a psychologist or psychologist associate licensure~~; and¶¶
 - (b) Licensees under investigation by the Board, when the Board has a rational reason to determine if the licensee has a history of criminal behavior.¶¶
- (3) To complete a criminal records check, each subject individual must:¶¶
 - (a) Respond completely and truthfully to all of the Board's character and fitness questions;¶¶
 - (b) Provide fingerprints pursuant to ORS 181A.170 (additional fingerprints may be required if the initial fingerprints are rejected);¶¶
 - (c) Provide personal information necessary to obtain the criminal records check pursuant to OAR 125-007-0220; and¶¶
 - (d) Pay to the Board the actual cost of acquiring and furnishing the criminal offender information.¶¶
- (4) Any original fingerprint cards will subsequently be destroyed in accordance with ORS 181A.195.¶¶
- (5) The Board will make a final fitness determination based on criminal offender information and any other pertinent information obtained by the Board, including any false statements or omissions made by the subject individual, and other factors pursuant to ORS 181A.195(10)(d) and OAR 125-007-0260 to 125-007-0270. The Board may make a fitness determination conditional upon the subject individual's acceptance of probation, conditions, limitations, or other restrictions upon licensure.¶¶
- (6) If a subject individual refuses to consent to the criminal records check or refuses to be fingerprinted, the Board will deny the licensure application or revoke the license.¶¶
- (7) Criminal offender information is confidential and will not be disseminated by the Board except to persons with a demonstrated and legitimate need to know the information, including:¶¶
 - (a) The Board will permit the subject individual to inspect their own state and national criminal offender records and, if requested, provide the subject individual with a copy of their own state and national criminal offender records.¶¶
 - (b) Criminal records information may be used as exhibits during a contested case hearing process.¶¶
- (8) A subject individual may appeal an adverse final fitness determination pursuant to OAR 125-007-0300. Challenges to the accuracy or completeness of criminal records information must be made to the reporting agency and not to the Board or through the contested case process.¶¶
- (9) If the subject individual successfully contests the accuracy or completeness of criminal records information, the Board will conduct a new criminal records check and re-evaluate the fitness determination.

Statutory/Other Authority: ORS 181A.195, 676.303, 675.070

Statutes/Other Implemented: ORS 181A.170, 181A.195, 181A.215, 670.280, 676.303, 675.070

AMEND: 858-010-0056

RULE SUMMARY: This amendment implements House Bill 2117 by removing reference to applicants for Temporary Psychologist Associate Authorization as of January 1, 2022.

CHANGES TO RULE:

858-010-0056

Temporary Practice Authorization

(1) The Board may grant a temporary practice authorization to the spouse of a member of the Armed Forces of the United States who is stationed in Oregon as follows:¶¶

(a) Temporary Psychologist Authorization may be issued to applicants that possess a current, active license to practice psychology in good standing in another state based on a doctoral degree in psychology.¶¶

~~(b) Temporary Psychologist Associate Authorization may be issued to applicants that possess a current, active license to perform functions within the practice of psychology in good standing in another state based on a master's degree in psychology. If the applicant is authorized to practice only under supervision in the other state, then the applicant must comply with the continued supervision requirements of OAR 858-010-0038.¶¶~~

(c) To qualify for Temporary Practice Authorization, an applicant must be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed.¶¶

(2) A Temporary Practice Authorization issued by the Board is not renewable, and is only valid until the earliest of the following:¶¶

(a) Two years after the date of issuance;¶¶

(b) The date the spouse of the person to whom the temporary practice authorization was issued completes the spouse's term of service in Oregon; or¶¶

(c) The date the person's authorization issued by another state expires.¶¶

(3) To apply for a Temporary Practice Authorization, an applicant must submit to the Board's office:¶¶

(a) A complete Temporary Authorization Application;¶¶

(b) A copy of the marriage certificate showing the name of the applicant and the name of the active duty member of the Armed Forces of the United States;¶¶

(c) A copy of the assignment to a duty station located in Oregon by official active duty military order for the spouse named in the marriage certificate; and¶¶

(d) The temporary practice authorization fee. This fee is not refundable except in extraordinary circumstances. An applicant's failure to qualify for temporary practice authorization does not suffice for a refund.¶¶

(4) Information Changes. An applicant or person who has been granted a temporary practice authorization must notify the Board within 30 days if any information submitted on the application changes, including but not limited to:¶¶

(a) Contact information;¶¶

(b) Character and fitness information, including complaints, disciplinary actions, employment investigations that lead to termination or resignation, and civil, criminal, or ethical charges;¶¶

(c) The status of the license to practice psychology in another state; and¶¶

(d) The status of the spouse's term of service in Oregon.

Statutory/Other Authority: HB 3030 (2019), SB 688 (2019), ORS 675.110

Statutes/Other Implemented: HB 3030 (2019), SB 688 (2019), ORS 675.110