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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

01/20/2022 8:40 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Compliance with the Oregon Health Authority's COVID-19 requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/23/2022 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)

This rule is being adopted at the direction of the Governor's Office. It is needed to ensure compliance with COVID-19 related rules that help keep Oregonians healthy and safe during a declared emergency. A failure to enforce compliance may adversely affect public health and safety.

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>. The Oregon Health Authority's rules are available at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1234>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule is unlikely to impact racial equity in the state.

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. 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 rules are straightforward and do not result in any fiscal impact. The Board did not determine that an additional committee beyond the nine-member Board and its staff was necessary to develop the rule .

ADOPT: 858-020-0116

RULE SUMMARY: This new rule sets forth that failure to comply with any applicable provision of an Oregon Health Authority COVID-19-related rule constitutes unprofessional conduct. Violations are subject to Board sanction.

CHANGES TO RULE:

858-020-0116

Compliance with the Oregon Health Authority's COVID-19 Requirements

(1) The Oregon Health Authority (OHA) has adopted certain rules to control the communicable disease COVID-19. Unprofessional conduct includes failing to comply with any applicable provision of an OHA COVID-19-related rule or any provision of this rule. ¶

(2) Failing to comply as described in subsection (1) includes, but is not limited to:¶

(a) Failing to comply with OHA's rules requiring masks, face coverings or face shields, including OAR 333-019-1011, OAR 333-019-1015, and OAR 333-019-1025, if applicable; and¶

(b) Failing to comply with OHA's rules requiring vaccinations, including OAR 333-019-1010 and OAR 333-019-1030.¶

(3) No disciplinary action or penalty action shall be taken under this rule if the rule alleged to have been violated is not in effect at the time of the alleged violation.¶

(4) The Board may impose sanctions for violations of this rule in accordance with ORS 675.070.

Statutory/Other Authority: ORS 675.010 - 675.150, ORS 676.160 - 676.180

Statutes/Other Implemented: ORS 675.070, ORS 675.085, ORS 675.110