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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

03/15/2022 2:05 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Application approval process and Board ordered conditions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/26/2022 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)

The Board recently reviewed its character and fitness policies and procedures, and determined that this rule provision causes unnecessary delays to the processing of licensure applications and should be removed. The Board may still, at its discretion, decide to delay the approval of an application when the situation warrants such action or when it is specified by policy.

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>.

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 proposal is straightforward and does 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 amendment.

AMEND: 858-010-0020

RULE SUMMARY: This amendment removes the requirement that applicants must satisfy any conditions ordered by the Board, including payment of any civil penalty, before the Board will approve the application.

CHANGES TO RULE:

858-010-0020

Process and Disposition of Application for License ¶¶

(1) Application Review Procedure. When the application and all of the required supporting documents have been received, the application file shall be reviewed for eligibility. The reviewer shall either:¶¶

(a) Approve the application. When the reviewer determines the application is complete, a letter of approval shall be sent notifying the applicant of eligibility to take the EPPP and the Jurisprudence examination and to enter into a Resident Supervision Contract.¶¶

(b) Deny the application. If the application is denied, the reviewer shall send the applicant a letter stating the reason.¶¶

(c) Board review. Under unusual circumstances, the application will be reviewed by the full Board for determination of disposition.¶¶

(d) Incomplete Application. If the application is incomplete, the reviewer shall notify the applicant.¶¶

(e) Request for Review. Applicants for licensure may request, in writing, that any decision by the reviewer be reconsidered by the Board.¶¶

(2) Active Application Period.¶¶

(a) An incomplete application is missing one or more of the items required under the applicable application procedure of OAR 858-010-0016 or 858-010-0017. The Board shall maintain an incomplete application file for one year from the date the application was received.¶¶

(b) A complete application has been approved by the reviewer, but the candidate for licensure has not completed the remaining requirements for licensure: the post-degree supervised work experience, the EPPP, and/or the Oregon Jurisprudence Exam. The Board shall maintain a complete application file for two years from the date the application was approved.¶¶

(c) A file shall be presumed inactive and archived if correspondence from the Board is returned by the post office for reasons other than post office error.¶¶

(3) The Board may extend the active application period upon written request of the applicant, which must be received or postmarked prior to the expiration date. Failure to receive a courtesy reminder notice from the Board shall not relieve an applicant of the responsibility to timely request an extension.¶¶

(4) Reapplication. If an application for licensure has been denied by the Board for any reason, the Board will not review a second application until at least one year has elapsed from the date of the previous denial.¶¶

(5) Information Changes. An applicant must notify the Board immediately if any information submitted on the application changes, including but not limited to: name; address, email address, and telephone number; complaints; disciplinary actions; and, civil, criminal, or ethical charges and employment investigations which lead to termination or resignation. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.¶¶

(6) Applicants must not make omissions or false, misleading or deceptive statements on any Board application form. Failure to disclose an arrest or conviction is a violation of ORS 675.070(2)(d) and (f) and will result in a \$200 civil penalty for each violation. Applicants may also be subject to further disciplinary action by the Board. ~~The Board will not approve an application until the applicant has satisfied any conditions ordered by the Board, including payment of any civil penalty.~~

Statutory/Other Authority: ORS 675.040, 675.045, 675.050

Statutes/Other Implemented: ORS 675.040(1)(2)(3), 675.045(1)(2)(a)(b), 675.050(1)(a)(b)(2)