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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**

07/11/2022 1:10 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: License renewal, failure to renew, lapse, and reinstatement.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/23/2022 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)**

The Board recently reviewed its rules related to license renewal, and determined that there were various requirements and terminology that needed clarification. The rules also need updating since the Board transitioned from a paper to an online renewal system. Additionally, the Board found that the period of practice during a licensee's grace period, where they are still able to renew with payment of a delinquent fee, should not be considered unlicensed practice, regardless of whether the person ultimately does not renew within the grace period. This is expected to help avoid confusion around permissible practice, setting forth a clear standard.

**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.

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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.

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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.

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AMEND: 858-010-0041

RULE SUMMARY: This amendment updates the requirements for license renewal in accordance with the Board's recent implementation of an online renewal system. It adds clarifications around conditions and requirements for renewal, including deadlines, expiration dates, delinquent fee hardship waiver, license lapse, and reinstatement. It adds that the Board shall not consider a licensee's practice of psychology during the 30 days following license expiration date ("grace period") to be unlicensed practice. For license reinstatement, it requires that individuals disclose- rather than attest to not having engaged in- the unlicensed practice of psychology during the lapsed period.

CHANGES TO RULE:

858-010-0041

License Renewals ¶¶

(1) Before the Board will renew a license or approve a request for active or semi-active status under ORS 675.110, a licensee must:¶¶

(a) ~~Submit a signed Renewal Notice and Affidavit attesting to meeting the continuing education requirements of OAR 858-040-0015 and reporting any history of felony convictions, pending criminal charges or history of discipline~~ application for license renewal in a form and manner prescribed by the Board, which must include complete and truthful responses to all of the questions regarding continuing education, character and fitness, licensee's current information and status, and any other questions;¶¶

(b) Pay the appropriate renewal fee;¶¶

(c) Pay the delinquent fee (if any); and¶¶

(d) Complete the required healthcare workforce data survey and pay the fee established by the Oregon Health Authority pursuant to ORS 676.410.¶¶

(2) Semi-Active License.¶¶

(a) Continuing education requirements shall be the same as for active licensees as described in OAR 858-040-0015.¶¶

(b) Before the Board will approve a request for semi-active status a licensee must:¶¶

(A) Be at least 62 years of age; and¶¶

(B) Not engage in the practice of psychology as defined in ORS 675.020 for more than twenty client contact hours per week.¶¶

~~(3) A Renewal Notice and Affidavit and By renewing a license under semi-active status, a licensee thereby attests that they correct fee must be postmarked by the stated due date to be considered timely. Licensee holds the burden of proof of mailing.¶¶~~

~~(4)ntinue to meet this practice limitation.¶¶~~

(3) Renewal Deadline. A license renewal is due by the license expiration date, which occurs biennially on the last day of the licensee's birth month. To be considered timely, a licensee must submit their complete renewal application and correct fees no later than the license expiration date. Licensee holds the burden of proof of timely submission.¶¶

(4) Failure to Renew and Delinquent Fees.¶¶

(a) Delinquent Fee. A delinquent fee must be paid for a licenses renewed after the stated dueal that is submitted after the license expiration date.¶¶

(A) The Board shall have discretion to waive this fee in documented hardship cases.¶¶

(b) If license delinquent fee in documented hardship cases. The written request for hardship waiver should be

made as soon as practicable after the hardship has occurred, and must include:¶

(i) A detailed description of the hardship that caused the licensee to submit their renewal late; and¶

(ii) Any relevant supporting documentation of the hardship that occurred.¶

(B) The Board shall not consider a licensee's practice of psychology during the 30 days following license expiration date ("grace period") to be unlicensed practice.¶

(b) Lapse. If an application for license renewal and the renewal and delinquent fees are not paid submitted within 30 days immediately following the due date defined in section (3), the license shall lapse.¶

~~(c) To renew a~~ An individual whose license that has lapsed for nonpayment of the renewal or delinquent fees shall not practice psychology in Oregon.¶

(c) Reinstatement. To renew a license that has lapsed, in addition to the requirements of section (1) above, an individual must:¶

~~(A) Submit a completed Application for Reinstatement postmarked within sixty~~ 60 days of the ~~stated due date on the Renewal Notice and Affidavit; and~~¶

~~(B) Attest that~~ license expiration date, in a form and manner prescribed by the Board; and¶

(B) Disclose whether the individual has ~~not~~ engaged in the unlicensed practice of psychology during the lapsed period; and¶

(C) Pay the required fee ~~application fee.~~¶

(d) If a license is not renewed or reinstated within the 60 days following the license expiration date, it shall remain expired, and the individual must reapply for licensure to practice psychology in Oregon.¶

(5) Failure to receive a courtesy renewal reminder from the Board shall not relieve a licensee of renewal requirements and consequences.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.110