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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

09/14/2023 11:33 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Licensure by endorsement, post-doctoral supervised work experience, and fee reductions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/25/2023 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 needs to implement changes associated with the passing of House Bill 5024, the Agency's 2023-25 budget, which includes licensing fee reductions. The Board recognized that reductions were possible due to the continued growth in the volume of applications, permits, and licensees, along with efficiencies created under the new Mental Health Regulatory Agency structure established in 2018. The Diversity Study produced by Keen Independent Research (Keen) in December 2022 noted that higher licensing fees may add a financial barrier for individuals with socioeconomic disadvantages. The Board determined that reducing licensing fees was an appropriate balance.

The Board determined that some requirements of the licensure by endorsement application method were resulting in delays in approving licensure for psychologists already licensed in other states, and that some rules could be amended without compromising public protection. Regarding application documentation, some states have become less cooperative in sending the file transfer that is a requisite to endorsement, and the Board found that the endorsement (professional) references very rarely reveal any character and fitness concerns. The frequency and duration requirements for post-doctoral supervised clinical experience sometimes resulted in experienced psychologists who had not yet reached the requisite 15 years of licensure being required to remedy deficiencies by completing additional supervised work, even after five years of independent practice in another state. The requirement that the psychologist supervisor have been licensed for at least 2 years was also leading to the disqualification of clinical experience completed in other jurisdictions with lesser standards (or that did not enforce their own standards). The endorsement rules were also reorganized to promote clarity.

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 5024 can be found on the Oregon State

Legislature website at <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB5024>. The Diversity Study prepared by Keen Independent Research, LLC is available on the OBOP website at https://www.oregon.gov/psychology/Documents/Diversity_Study_12-22.pdf.

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

These proposed changes are likely to promote racial equity in the state. As described above, the Board is pursuing changes that promote interjurisdictional licensure portability, add clarity, and remove unnecessary barriers to licensure in Oregon while maintaining strong consumer protection standards consistent with the Board's mission. The Diversity Study produced by Keen Independent Research (Keen) in December 2022 identified renewal fee reductions as a factor that could positively support equity and diversity efforts within the psychology profession, and recommended removing unnecessary procedural hurdles that may cause confusion or add little or no value. The Board proposes that policy changes that support diversity within the psychology profession will positively affect racial equity in the State.

FISCAL AND ECONOMIC IMPACT:

On renewal fees, active licensees will save \$180 per biennium, semi-active licensees will save \$90 per biennium, and inactive licensees will save \$15 per biennium. Those applying for temporary practice authorization (military spouse) will save \$200. Though it difficult to quantify, this rule is expected have a positive fiscal impact on applicants for licensure by endorsement who will benefit from reduced application documentation requirements and be less likely to experience the financial consequences (reduced pay, cost of supervision, etc.) of the need to remedy deficiencies in supervised experience hours for licensure. Updating and clarifying the rules benefits everyone.

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 these rules. The Board will absorb the costs required to implement these changes within its current staffing levels and budgeted resources.

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. Many participants in the Diversity Study who provided their opinions and observations represent small businesses as well.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Board did not determine that an additional committee beyond the nine-member Board and its staff was necessary to develop the rule amendments. The Board benefitted from the extensive research and recommendations that were a part of the Diversity Study, which included examination of Board policies and processes, demographics analysis of the professions, review of academic literature, comparative analysis with other states, and significant stakeholder feedback that included a virtual workshop, in-depth interviews, and focus groups. Additionally, House Bill 5024 which is being implemented here was discussed and presented before various legislative committees, with the opportunity for public testimony, during the 2023 Legislative Session.

RULES PROPOSED:

858-010-0017, 858-010-0036, 858-030-0005

RULE SUMMARY: Reduces the standards to become licensed by endorsement by eliminating the requirement for endorsement references and the file transfer from other state or credentialing body, removing the requirement for an EPPP score verification for psychologists licensed 15 years or more, and reducing the frequency and duration requirements for supervised clinical experience for those that have been licensed 5 years or more.

CHANGES TO RULE:

858-010-0017

Licensure by Endorsement ¶

Applicants that possess and have maintained an active license to practice psychology issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards based on a doctoral degree may be licensed by endorsement. ¶

~~(1) All applicants who have maintained an active psychologist for licensure based on a doctoral degree in psychology for less than 15 years must comply with the requirements set forth below: ¶~~

~~(a) Filing of Applications: Applicants must submit a complete Licensure by Endorsement Application 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) Social Security Number Authorization form following items before their application file will be reviewed for completeness: ¶~~

~~(a) A complete Licensure by Endorsement Application; ¶~~

~~(b) Fingerprinting fee and results of criminal background check per OAR 858-010-0034; ¶~~

~~(C) An official verification of licensure in good standing from each health care professional license or registration, current or expired; and ¶~~

~~(D) A copy of the applicant's; ¶~~

~~(i) Other clarifying information or documentation required by the Board. ¶~~

~~(2) Applicants who have maintained an active psychologist licensure file from the state (or fewer than 15 years must: ¶~~

~~(a) In which the applicant is licensed; ¶~~

~~(ii) CPQ file from ASPPB; ¶~~

~~(iii) Certification file from ABPP; or ¶~~

~~(iv) HSPP file from the Nation addition to the materials in section (1) above, submit the following items before their application file will be reviewed for completeness: ¶~~

~~(A) Official doctoral Register; ¶~~

~~(E) Endorsement Reference forms from three mental health professionals; ree transcript imprinted with the date the degree was awarded; ¶~~

~~(B) Documentation of completed post-doctoral supervised work experience; and ¶~~

~~(F) National written examination (EPPP) score; report (if taken). ¶~~

~~(G) Application fee; and ¶~~

~~(H) Fingerprinting fee and results of criminal background check. ¶~~

~~(b) The Board may issue a license if the candidate fornts who have maintained an active psychologist license for 5 years or more must document that they have met the following requirements before the Board may issue a licensure: ¶~~

~~(A) Has met the eEducational requirements for licensure of set forth in OAR 858-010-0010; ¶~~

~~(B) Has complied with the (1), (2), or (3); ¶~~

~~(B) A minimum of twelve months of post-doctoral supervised work experience requirements of as set forth in OAR 858-010-0036; ¶~~

~~(C) Passes the Oregon jurisprudence examination; and ¶~~

~~(D) Has received a A passing score on the national written examination (EPPP) as set forth in OAR 858-010-0025. ¶~~

~~(2c) Applicants who have maintained an active psychologist license for 15 years or more must comply with the fewer than five years must document that they have met the following requirements set beforth below: ¶~~

~~(a) Filing of Applications: Applicants must submit a complete Licensure by Endorsement Application 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) Social Security Number Authorization form; e the Board may issue a license: ¶~~

- (A) Educational requirements for licensure set forth in OAR 858-010-0010(1) or (2);¶
- (B) A minimum of twelve months of post-doctoral supervised work experience, including at least 1,500 hours of psychological services, as set forth in OAR 858-010-0036; and¶
- (C) A passing score on the national written examination (EPPP) as set forth in OAR 858-010-0025.¶
- (B3) An official verification of licensure in good standing from each health care professional license or registration, current or expired;¶
- (C) A copy of the applicant's:¶
- (i) Licensure file from the state(s) in which the applicant is licensed;¶
- (ii) CPQ file from ASPPB;¶
- (iii) All candidates for licensure must pass the Oregon Jurisprudence Examination as set forth in OAR 858-010-0030 before the Board will issue a license.¶
- (4) Primary source verification is required for application materials. The transcript, EPPP score, and supervised work experience documentation required in sections (1) and (2)(a) above is considered primary source verification file from ABPP; or¶
- (iv) HSPP file from the National Register, ed when received by the Board directly from the following sources:¶
- (Da) Endorsement Supervisor Reference Forms from three mental health professional supervisor (or successor);¶
- (Eb) National written examination (EPPP) score;¶
- (F) Application fee; and Transcript from the degree-granting institution;¶
- (Gc) Fingerprinting fee and results of criminal background check.¶
- (b) The Board may issue a license if the candidate for licensure passes the Oregon jurisprudence examination.¶
- (c) An applicant who meets the standard of section (2) above is not required to fulfill the EPPP exam requirement
the copy from the jurisdiction(s) in which the applicant is licensed;¶
- (d) CPQ file or credentials bank document(s) from ASPPB;¶
- (e) Certification file from ABPP; or¶
- (f) HSPP file from the National Register.
- Statutory/Other Authority: ORS 675.030
Statutes/Other Implemented: ORS 675.030

AMEND: 858-010-0036

RULE SUMMARY: Reduces the standards for supervised clinical experience that is completed out of state by removing the requirement that the supervisor was licensed for at least two years as a psychologist and only requiring 1,500 hours of supervised psychological work and supervision frequency specifications for those who have been licensed for fewer than 5 years in another state.

CHANGES TO RULE:

858-010-0036

Post-Doctoral Supervised Work Experience ¶¶

(1) Policy. One year of post-doctoral supervised work experience is required for licensure. The required work experience must take place after the doctorate degree is conferred.¶¶

(a) One year of supervised work experience is defined as ~~1,500 hours of~~ psychological services performed over a period not less than twelve months.¶¶

(b) Psychological services are defined as direct psychological services to an individual or group; diagnosis and assessment; completing documentation related to services provided; client needs meetings and consultation; psychological testing; research related to client services; report writing; and receiving formal training including workshops and conferences.¶¶

(c) For the purposes of licensure, psychological services do not include business development; credentialing activities; marketing; purchasing; creating forms; administrative billing or other business management activities.¶¶

(d) A person with a doctoral degree in psychology who is employed at an "exempt site" pursuant to ORS 675.090(f) may practice psychology without a license for no more than 24 months from the time they begin practicing at an exempt site. The 24-month time limit does not restart if the person ceases practicing and then begins again, and does not reset if the person begins working at a different exempt site. The person may not use any title incorporating the word "psychologist."¶¶

(2) The following shall be used by the Board to define supervised work experience.¶¶

(a) Unless licensed under or exempted from ORS 675.010 to 675.150, in order to practice psychology in Oregon, a person must be in a Board approved Resident Supervision Contract.¶¶

(A) Post-doctoral supervised work experience completed prior to August 1, 2018 under exemption from ORS 675.010 to 675.150 but not in a Board approved Resident Supervision Contract may qualify towards the one year of post-doctoral supervised work experience required for licensure.¶¶

(B) Effective for post-doctoral supervised work experience completed in Oregon on or after August 1, 2018, the experience must be completed in a Board approved Resident Supervision Contract to qualify for licensure. Experience that is not completed under a Board approved Resident Supervision Contract shall not qualify towards the one year of post-doctoral supervised work experience required for licensure.¶¶

(b) Work experience completed in Oregon must be performed under the supervision of an Oregon licensed psychologist who has been licensed for at least two years in Oregon or ~~in a~~ in a ~~board that is a member jurisdiction with licensing standards comparable to Oregon of the Association of State and Provincial Psychology Boards based on a doctoral degree (or a combination thereof).~~¶¶

(c) To receive supervised work experience credit from other jurisdictions, the experience must be a formal arrangement under the supervision of a psychologist who ~~has been licensed for at least two years~~ possesses an active license to practice psychology issued by a board that is a member jurisdiction with licensing standards comparable to Oregon of the Association of State and Provincial Psychology Boards based on a doctoral degree.¶¶

(d) The supervisor is not required to be working on-site with the resident.¶¶

(e) Frequency. Work experience completed in Oregon, or in another jurisdiction by an endorsement applicant licensed fewer than 5 years as described in OAR 858-010-0017(2)(c), must meet the following requirements:¶¶

(A) If a resident works 1-20 hours in a week, the resident must receive at least one hour of individual one-on-one supervision during that week.¶¶

(B) If a resident works more than 20 hours in a week, the resident must receive at least two hours of supervision during that week. One hour must be individual and one hour may be group supervision. Group supervision must be:¶¶

(i) A formal and on-going group of at least three mental health professionals;¶¶

(ii) Facilitated by a licensed psychologist; and¶¶

(iii) Approved by the resident's supervisor.¶¶

(C) On a non-routine basis, in the absence of the primary supervisor, individual one-on-one supervision hours may be delayed up to 14 days to accommodate vacations, illness, travel or inclement weather.¶¶

(D) Individual and group supervision must be conducted:¶¶

- (i) In-person in a professional setting; or¶
- (ii) Through live, synchronous confidential electronic communications.¶
- (E) If a resident's work in a particular week does not comply with these requirements, then it may not be counted towards the supervised work experience requirement.¶
- (f) Duration. Work experience completed in Oregon, or in another jurisdiction by an endorsement applicant licensed fewer than 5 years as described in OAR 858-010-0017(2)(c), must include a minimum of 1,500 hours of supervised psychological services.¶
- (3) Candidates for licensure shall be eligible to enter into a Resident Supervision Contract as described in subsection (2)(a) of this rule.¶
- (a) The Board has discretion to approve or reject a proposed Resident Supervision Contract or to rescind a previously approved contract. Resident status shall begin the date the Board approves the Resident Supervision Contract.¶
- (b) Duration. The resident status is a transitional step toward licensure and is not intended as a means to avoid licensure. A Resident Supervision Contract shall be effective for a period not to exceed two years from the date of Board approval. The Board may extend the contract beyond two years for good cause upon a written request from the resident and the supervisor prior to the expiration of the contract. Failure to receive a courtesy reminder notice from the Board shall not relieve the resident of the responsibility to timely request an extension.¶
- (c) Termination of a Resident Supervision Contract will be granted by the Board at the written request of the supervisor or the resident. The termination shall be effective at the time the Board approves the request in writing, or on the date indicated by the supervisor in the final residency evaluation, whichever is later.¶
- (d) If the supervisor is to be paid for supervision payment must be in the form of a per-hour fee.¶
- (e) Supervision of more than three residents concurrently shall require prior approval by the Board.¶
- (4) Resident's Responsibilities. The resident's conduct must conform to the following standards:¶
- (a) Title. The resident must be designated at all times by the title "psychologist resident." All signed materials, letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation must include the individual's title as "psychologist resident" and the supervisor's name and designation "supervisor."¶
- (b) Scope of Practice. The resident will only offer services in those areas that the supervisor is competent.¶
- (c) Nature of Supervision. The resident must obtain frequent and regular supervision meetings throughout the duration of the Resident Supervision Contract. The resident must provide the supervisor with a periodic evaluation of all cases and psychological activities in which the resident is engaged. The resident's practice must comply with Oregon laws and administrative rules.¶
- (d) Confidentiality. The resident must advise all clients orally and in their informed consent policy that the supervisor may have access to all information and material relevant to the client's case.¶
- (e) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract.¶
- (f) The resident must discuss with their supervisor the Supervisor Evaluation Report at the conclusion or termination of the Resident Supervision Contract.¶
- (g) The resident must submit to the Board a Record of Supervised Hours form within 30 days of the conclusion or termination of the Resident Supervision Contract.¶
- (5) The supervisor's responsibilities are:¶
- (a) Review, supervise and evaluate representative and problem cases with attention to diagnostic evaluation, treatment planning, ongoing case management, emergency intervention, recordkeeping and termination;¶
- (b) Countersign all psychological reports and professional correspondence produced by the resident; and ensure that letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation includes the appropriate title of "psychologist resident" or "psychologist associate resident" and the supervisor's name and designation as "supervisor." Client progress notes do not need to be co-signed by the supervisor.¶
- (c) Review with the resident, Oregon laws and administrative rules related to the practice of psychology, including the current APA "Ethical Principles of Psychologists and Code of Conduct," professional relationships and referrals, protection of records, billing practices, recordkeeping and report writing;¶
- (d) Assist the psychologist resident in developing a plan to prepare for the national written exam and the Oregon jurisprudence examination;¶
- (e) Promptly communicate to the Board any professional or ethical concerns regarding the resident's conduct or performance;¶
- (f) Notify the Board within fourteen days and explain any significant interruption or expected termination of the Resident Supervision Contract;¶
- (g) Ensure that the resident has access to supervision by telephone to discuss urgent matters, if the supervisor is unavailable during a period not to exceed fourteen days;¶

- (h) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request;¶
 - (i) Provide the Board with an interim Resident Evaluation Report upon request; and¶
 - (j) Provide the Board with a final Resident Evaluation Report within 30 days of the conclusion or termination of the Resident Supervision Contract.¶
- (6) Associate Supervisor. Any individual supervision of the resident by a person other than the primary supervisor must be identified in the Resident Contract and approved by the Board.¶
- (a) The associate supervisor is responsible for providing supervision as described in section (5) of this rule in the event that the primary supervisor is unavailable for any reason; and¶
 - (b) The associate supervisor is responsible for reporting professional or ethical concerns regarding the resident's conduct or performance to the primary supervisor and the Board.

Statutory/Other Authority: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110

Statutes/Other Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110

AMEND: 858-030-0005

RULE SUMMARY: Implements licensure fee reductions as approved in the Agency 2023-25 budget (House Bill 5024).

CHANGES TO RULE:

858-030-0005

Application, Examination and Licensing Fees ¶

(1) ~~A~~License application: \$325¶

(2) Jurisprudence Examination: \$155¶

(3) License Fees¶

(a) ~~The~~Biennial license renewal fee for an, active psychologist and psychologist associate shall be calculated on an annual amount of \$390 and paid on a biennial amount of \$780.¶

~~(b) The: \$600.¶~~

~~(b) Biennial~~ license renewal fee for a, semi-active psychologist and psychologist associate shall be calculated on an annual amount of \$195 and paid on a biennial amount of: \$390.¶

~~(c) The~~Biennial license renewal fee for an, inactive psychologist and psychologist associate shall be calculated on an annual amount of \$52.50 and paid on a biennial amount of \$105: \$90.¶

(d) The Board shall renew licenses on a biennial birth month renewal schedule.¶

(e) The Board shall impose a delinquency fee of \$210 for licenses renewed within thirty days after the stated due date.¶

(f) The Board shall have discretion to waive the delinquency fee in documented hardship cases.¶

(4) Limited Permit: \$120¶

(5) Temporary Practice Authorization: \$9700¶

(6) Miscellaneous Fees. Most materials and information are available through the Board website at www.oregon.gov/psychology or may be purchased in accordance with ORS 192.324.¶

(a) Certified verification of licensure: \$5¶

(b) Certified transfer of application information: \$20¶

(c) Student loan deferment letter: \$5¶

(d) Duplicating request: \$2.50 for the first five copies; \$.25 for each copy thereafter¶

(e) Laws and administrative rules: \$5¶

(f) Electronic file of mailing labels: \$35¶

(g) Application packet, including laws and administrative rules: \$10¶

(h) Duplicate wall display certificate of licensure: \$12¶

(i) Certified duplicate license: \$10¶

(j) Cumulative disciplinary report: \$7.50

Statutory/Other Authority: ORS 675.110, ORS 675.115

Statutes/Other Implemented: ORS 675.110, ORS 675.115