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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 858
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

FILING CAPTION: Failure to comply with a Board order or agreement; non-qualifying continuing education.

EFFECTIVE DATE: 03/19/2020

AGENCY APPROVED DATE: 03/13/2020

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RULES:
858-020-0045, 858-040-0036

AMEND: 858-020-0045

RULE TITLE: Notice and Investigation Process

NOTICE FILED DATE: 01/24/2020

RULE SUMMARY: This amendment adds a provision that the Board will not approve any license renewal or request to reactivate a license from inactive status to active or semi-active status if the licensee is not in compliance with one or more terms of any Board order or agreement.

RULE TEXT:
(1) Notice to Respondent. The Board's administrator shall notify the respondent by letter when a complaint is filed, or an investigation has been initiated, into respondent's conduct or practice. The notice letter shall provide respondent with a citation to the laws and regulations that apply to the investigation. The notice letter shall also set out the general allegations to be investigated. The investigator may modify the scope of the investigation as needed. The Board administrator may delegate this notification procedure to the Board's investigator.
(2) Notice to Supervisors. When a complaint is filed against an individual acting under the supervision of a licensed psychologist, the supervising psychologist(s) shall be notified that any investigation into the conduct of the supervisee may affect the licensure of the supervisor(s). The Board may open a companion investigation naming the supervisor(s).
(3) Purpose of Investigation. The purpose of the investigation shall be to determine whether sufficient credible evidence exists of violation of rules or laws administered by the Board to justify issuance of a Notice of Intent to Impose sanctions against a person licensed by the Board or such other action as the circumstances may warrant.
(4) Scope of Investigation. The investigator shall seek guidance as appropriate and necessary from individual Board members, the full Board, agency legal counsel, and the Board's administrator. If the Board decides to operate with a Consumer Protection Committee structure, that committee shall serve as the primary source of guidance for the investigator.
(5) Cooperation. Failure by respondent to cooperate with a board investigation constitutes unprofessional conduct per ORS 675.070(2), and is grounds for disciplinary action. Cooperation by respondent includes:

(a) Submitting client records to the Board's investigator, with or without a signed release by the client, for a full investigation of the allegations presented in the notice letter;
(b) Sending a complete case file to the Board's investigator;
(c) Being available for a personal interview with the Board's investigator; and
(d) Responding to questions presented by the Board's investigator.
(6) Duty of the Investigator. The investigator shall collect evidence, interview witnesses and make a written report to the Board.
(7) The Board may delay approving a licensure application, renewing a license, or issuing an initial license, limited permit, or temporary practice authorization if the person has a complaint under investigation until the complaint has been resolved.
(8) Licensees, applicants, and persons granted a limited permit or temporary practice authorization must comply with the terms of all Board orders and agreements.
(a) Failure to comply with one or more terms of a Board order or agreement constitutes a violation of ORS 675.070(2)(h) and is grounds for disciplinary action.
(b) The Board will not approve any license renewal or request to reactivate a license from inactive status to active or semi-active status if the licensee is not in compliance with one or more terms of any Board order or agreement.

STATUTORY/OTHER AUTHORITY: ORS 675.020, ORS 675.110, ORS 675.070

STATUTES/OTHER IMPLEMENTED: ORS 675.110

AMEND: 858-040-0036

RULE TITLE: Programs Which Do Not Qualify for Continuing Education Credit

NOTICE FILED DATE: 01/24/2020

RULE SUMMARY: This amendment specifies that programs completed to fulfil the terms of a Board order or agreement do NOT qualify towards the continuing education requirements for licensure renewal or reinstatement.

RULE TEXT:

(1) Marketing; investments; and practice building strategies.

(2) Yoga; therapeutic massage;

(3) Non-Clinical administrative staff meetings;

(4) Word processing computer skills;

(5) Therapies which are not widely recognized as within the scope of practice of psychology, through research or scientifically demonstrated clinical effectiveness.

(6) Programs that are completed to fulfil the terms of a Board order or agreement do not qualify towards the continuing education requirements for licensure renewal or reinstatement.

STATUTORY/OTHER AUTHORITY: ORS 675.110

STATUTES/OTHER IMPLEMENTED: ORS 675.110(14)