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CHAPTER 858
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

FILING CAPTION: Pain management and suicide risk continuing education requirements and failure to comply

EFFECTIVE DATE: 01/01/2022

AGENCY APPROVED DATE: 11/12/2021

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RULES:
858-040-0015, 858-040-0055, 858-040-0070

AMEND: 858-040-0015

RULE TITLE: Basic Requirements

NOTICE FILED DATE: 09/22/2021

RULE SUMMARY: This amendment changes Board licensees' requirements for pain management continuing education from a one-time mandate for new licensees to a one-credit ongoing requirement for all licensees, and adds a new requirement for licensees to complete two credits of continuing education dedicated to the topic of suicide risk assessment, treatment, and management.

RULE TEXT:
(1) Licensees must earn at least 40 continuing education credits during the period between license renewals. Continuing education credit must be reported as follows:
(a) Licensees must submit a Renewal Notice and Reporting Affidavit to the Board office with the fee on or before the due date printed on the notice.
(b) An unsigned or incomplete Renewal Notice and Reporting Affidavit shall be returned to the licensee.
(2) New Licensees. There is no continuing education reporting required for individuals licensed twelve months or less on their first renewal date.
(3) All active and semi-active licensees must complete the following minimum requirements in each reporting period:
(a) Four credits of professional ethics and/or Oregon State laws and regulations related to the practice of psychology;
(b) One credit of continuing education dedicated to the topic of pain management. The one-hour web-based Pain Management Module provided by the Oregon Pain Management Commission satisfies this requirement;
(c) Four credits of continuing education dedicated to the topic of cultural competency; and
(d) Effective July 1, 2022: Two credits of continuing education dedicated to the topic of suicide risk assessment, treatment, and management.
(4) No continuing education reporting is required for licensees requesting a change from active or semi-active to inactive status.

(5) No continuing education reporting is required for inactive licensees.

(6) The Board may grant exemptions in whole or in part from continuing education requirements, including extension of deadlines, in documented hardship cases.

STATUTORY/OTHER AUTHORITY: ORS 675.110

STATUTES/OTHER IMPLEMENTED: ORS 675.110(14)

AMEND: 858-040-0055

RULE TITLE: Credit Hours Granted

NOTICE FILED DATE: 09/22/2021

RULE SUMMARY: This makes conforming amendments to implement the change in requirement for pain management continuing education.

RULE TEXT:

(1) Credit shall be given for actual hours attended.

(2) Credit shall be given for no more than 20 hours of continuing education for home study and study group hours combined in each reporting period. This limitation is temporarily suspended for renewals that are due between March 31, 2020 and July 31, 2022.

(3) An instructor, discussion leader, or speaker shall be given two hours of credit for preparation for each hour of presentation time, and one hour of credit for each hour of presentation time.

(4) Credit shall be given for no more than 20 hours of continuing education for service as an instructor, discussion leader, or speaker and published material combined in each reporting period.

(5) One hour of continuing education credit shall be given for reading 100 book pages or four peer-reviewed articles. Credit shall be given for no more than four hours (400 book pages or 16 articles) of reading in each reporting period. No more than two hours of reading may be used to fulfill the professional ethics continuing education requirement.

STATUTORY/OTHER AUTHORITY: ORS 675.110

STATUTES/OTHER IMPLEMENTED: ORS 675.110(14)

AMEND: 858-040-0070

RULE TITLE: Failure to Comply

NOTICE FILED DATE: 09/22/2021

RULE SUMMARY: This amendment clarifies that licensees' failure to comply with continuing education requirements constitutes unprofessional conduct.

RULE TEXT:
(1) A Renewal Notice and Reporting Affidavit shall be deemed timely if it is postmarked by the stated due date of the reporting year. Burden of proof of mailing is on the licensee.
(2) A licensee whose Renewal Notice and Reporting Affidavit is not postmarked by stated due date shall pay a delinquent fee.
(3) An individual whose license has lapsed for failure to submit a complete Renewal Notice and Reporting Affidavit and delinquent fee within 30 days after the due date must re-apply for licensure.
(4) Failure to comply with any provision of OAR Chapter 858, Division 40, or misrepresentation of compliance, constitutes unprofessional conduct per ORS 675.070(2)(d) and (h) and is grounds for disciplinary action.
(5) An individual whose license has been revoked for noncompliance of continuing education requirements must re-apply for licensure.
(6) A licensee selected for the continuing education random audit who responds after the stated due date is subject to disciplinary action, to include but not limited to the following sanction:
(a) Up to 30 days late: $200 delinquent fee.
(b) Up to 60 days late: $300 delinquent fee.
(c) Failure to respond after 60 days late: $500 delinquent fee and the licensee's license will be suspended until the licensee provides a complete response documenting the licensee's compliance with the continuing education requirements.
(7) A licensee selected for the continuing education random audit whose hours are deficient, including a licensee's failure to submit complete documentation, is subject to disciplinary action, to include but not limited to the following sanction:
(a) Deficiency of 1 to 10 hours: $250 fine.
(b) Deficiency of 11 to 20 hours: $500 fine.
(c) Deficiency of 21 to 30 hours: $750 fine.
(d) Deficiency of 31 to 40 hours: $1000 fine.
(e) A licensee found to be deficient will be given 30 days to complete the deficient hours. Hours made up may not be double counted towards a subsequent reporting period.
(A) If the licensee fails to complete the deficient hours within 30 days, an additional $250 fine will be assessed, and licensee may be subject to further disciplinary action.
(B) If the licensee fails to complete the deficient hours within 90 days, the licensee's license will be suspended for a minimum of 60 days.

STATUTORY/OTHER AUTHORITY: ORS 675.110

STATUTES/OTHER IMPLEMENTED: ORS 675.110(3), (13), (14), (15)