

HOUSE COMMITTEE ON EDUCATION

March 2, 1993      Hearing Room E 1:30 p.m.      Tapes 23 - 24

MEMBERS PRESENT:    Rep. Jim Whitty, Vice-Chair Rep. John Meek Rep. Patti Milne Rep. John Schoon Rep. Larry Sowa Rep. Sharon Wylie

MEMBER EXCUSED:    Rep. Carolyn Oakley, Chair

STAFF PRESENT:      Linda Sample Brown, Committee Administrator  
Carolynn Gillson, Committee Assistant

MEASURE CONSIDERED:      HB 2587 - regarding validity of academic degree, PUB

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 23, SIDE A

004    REP. JIM WHITTY, Vice Chair:    Calls meeting to order at 1:35 p.m.

Public Hearing on HB 2587 Witnesses: David Young, Office of Educational Policy and Planning

(OEPP) Rep. Lonnie Roberts Paul Sundermier, Department of Justice Dr. Andrew Elliott, Board of Naturopathic Examiners David Myton, Teachers Standards and Practices Commission (TSPC) Bonnie Wilson, Board of Psychologist Examiners Gary Andeen, Oregon Independent College Association (OICA) Carol Fleming, administrator for State Board of Professional

Counselors and Therapists

017 DAVID YOUNG, OEPP: Reads his testimony in opposition to the bill because it could be used as a tool for avoiding exposure of a fraudulent claim and make it easier to sustain a fraud once the deception has

succeeded (EXHIBIT A).

VICE-CHAIR WHITTY: How often do you find people with faulty credentials, degrees or transcripts?

YOUNG: Perhaps two or three times a year. State agencies, including licensing boards, have been pretty successful in scrutinizing academic credentials. > Less likely to catch fraudulent claims out in the public.

085 REP. LARRY SOWA: When you are reviewing a complaint, do you go to the academic institution and view their records?

YOUNG: Reviews the procedure they follow when investigating a complaint.

119 REP. JOHN MEEK: What prohibits you from doing research to verify validity of a degree?

YOUNG: Our concern is with the new Section 1(4) because once a licensing board has accepted a degree credential, our office would be prohibited from investigating any question from any source about that credential.

160 REP. LONNIE ROBERTS, District 21: I had the bill drafted because I have received numerous letters from professionals whose licenses have been

challenged and everyone of the individuals is older and in a certain profession. > Is the OEPP challenging without cause degrees that were established

years ago? > A system needs to be established based on probable cause and strong

evidence. What is wrong with challenging a system that threatens to take away a license or degree to practice a profession? > This statute could be used by the government to harass people who

would then be afraid to challenge the licensing agency. > Wants to make sure agencies follow a doctrine of fair play, probable

clause and due process.

VICE-CHAIR WHITTY: Do you feel there is a need to continue the OEPP?

REP. ROBERTS: No. However, there is a need to make sure a degree is valid when someone is licensed.

270 REP. SOWA: Give us an example of a letter you have received.

REP. ROBERTS: Reviews a situation where an individual received a degree from a California school that no longer exists, was licensed in his profession, never received a complaint, and his degree was challenged.

Feels the individual was subject to entrapment.

REP. SOWA: When you read these letters, did you find any reason for OEPP to begin an investigation?

REP. ROBERTS: All the letters I have received were from people 60 years of age or older. It is their feeling they are being run out of their

profession because of their age.

336 REP. MEEK: Does the language in Section 1(4) negate the new language in (2)?

REP ROBERTS: I don't think it does. Subsection 4 protects those who have been licensed a long time and (2) deals with the more recent licensures.

REP. MEEK: Talks about a situation where someone has a degree and has been licensed and practicing in his profession for some time and a complaint is filed. The state agency that granted the license does an investigation because there is reasonable cause.

REP. ROBERTS: That is exactly what we are trying to get at. Complaints have to be investigated if there is probable cause. Without probable cause it becomes harassment.

412 REP. MEEK: More needs to be done up front to justify licensure.

REP. ROBERTS: I feel the bill as drafted covers my intent. If there is probable cause, the individual should not be licensed. If probable cause does not exist, someone's license should not be challenged.

TAPE 24, SIDE A

021 REP. SOWA: Under the language in (4), OEPP could not do any investigation so it would fall back on the licensing board to determine if a degree is valid. Is that your intention?

REP. ROBERTS: If there is reasonable cause, I have no problem with an OEPP challenge. There needs to be a way for people who are challenged to appeal the challenge to the board that oversees the profession.

REP. SOWA: I am concerned some of these boards may not have either the statute authority or ability to do the investigation. Some boards do not have the ability to search for information.

REP. ROBERTS: I have no problem if there is reasonable cause based on complaints from people who have used the service or product.

079 PAUL SUNDERMIER, Assistant Attorney General, Department of Justice: I have prosecuted some of the cases mentioned. I have utilized the

services of OEPP in doing regulatory work and find that office very resourceful.

VICE-CHAIR WHITTY: Did you get involved in prosecuting a case prior to OEPP involvement?

SUNDERMIER: I became involved with the licensing agencies after they had initially contacted the OEPP. > Explains how some cases originate from the profession itself. > Currently, we have heard three cases. Two of those cases are on appeal and the licensee was suspended in the third case. In several other cases with similar facts, the license was allowed to lapse.

153 REP. SOWA: Do the licensing boards have the ability of searching out the information they need without going to OEPP?

SUNDERMIER: Many of these boards have a one person staff who is often part-time. Hopefully, they would come to AG's office for help.

178 REP. SHARON WYLIE: Are we just talking about educational credentials that go along with licenses in different professions? What should be

done to provide a reasonable amount of consumer protection and some guidelines so there aren't fishing expeditions and discrimination?

210 SUNDERMIER: Professional licensing boards can make mistakes. > Talks about licensing a number unqualified people during the mid-70s.

REP. WYLIE: that because the standards in the profession were better defined or were they more lax?

SUNDERMIER: No, the basis of the investigation was did they qualify for licensure at the time they first applied. The initial investigation came as a result of similar investigations conducted in other states, primarily Arizona.

269 REP. MEEK: Wouldn't the way the bill is drafted constitute the reasonable cause?

SUNDERMIER: Yes, I think it would. The language in Section 1(2) and (4) are inconsistent. There is another concern with Section 2 because we currently have cases underway.

REP. SOWA: Do all the boards do a proper investigation up front to make sure applicants for licenses have the right creditation?

SUNDERMIER: They do a better job than they did in the mid-1970s.

REP. MEEK: We are not getting at the burden of proof. Where does it lie?

357 SUNDERMIER: The OEPP assists the licensing board and acts as a witness but does not remove a license - that is the job of the board.

365 DR. ANDREW ELLIOTT, board member of the Naturopathic Examiners Board: Clarifies the OEPP plays an investigative role at the licensing

boards request. > Does not believe a licensing board would investigate unless there were reasonable cause. > A license cannot be removed without a hearing in which due process

takes place. > Objects to last part of bill where the OEPP cannot look at someone's

credentials for a license after their credentials have been accepted by a board.

TAPE 23, SIDE B

040 REP. SOWA: Does your board have the authority to seek out the information required for an investigation?

ELLIOTT: We have the authority but not the means or expertise.

048 DAVID MYTON, executive secretary, TSPC: Reviews written testimony opposing the bill because it would make it impossible to correct

licensure decisions based on fraudulent degrees (EXHIBIT B).

VICE-CHAIR WHITTY: Talks about mail-order degrees from the state of Colorado.

MYTON: Some school districts have gotten into that issue when providing higher salaries to teachers with advanced degrees. To my knowledge,

TSPC has not been involved in any such case. We do not issue licenses on the basis of such transcripts. The cases we have been involved in are where the applicant themselves or someone else has made changes on

the application. 115 CAROL FLEMING, administrator for the State Board of licensed professional Counselors and Therapists: Talks about consulting with

OEPP. Concerned the language in the bill will hinder OEPP's ability to help licensing programs. > Feels the bill gives licensing boards additional authority and

responsibility they are not seeking. > Explains that most licensing boards do not have the resources to do

what is required of them under the bill. > Having another agency question degrees does not seem burdensome but

necessary.

186 BONNIE WILSON, administrator for Board of Psychologist Examiners: Testifies in opposition to the bill. > Reviews her testimony

concerning the services received by the board

from the OEPP, the number of psychologists licensed and the procedure followed reviewing applications for licensure (EXHIBIT C). > Can't imagine the Legislature would want to take this resource away from licensing boards.

REP. SOWA: Is your Board one of the ones listed to be abolished by Governor?

WILSON: We are included in SB 166 to be semi-independent. We are fully-funded by the profession

278 GARY ANDEEN, executive director of the OICA: Reads his testimony opposing HB 2587 because it would undermine the ability of the state to verify academic credentials (EXHIBIT D). > Talks about working with Mr. Young and OEPP. > Explains that none of the statutory requirements would go away if the OEPP were closed - they would just be moved to the Department of Education.

287 VICE-CHAIR WHITTY: Adjourns the meeting at 2:55 p.m.

Submitted by:

Reviewed by:

Carolynn Gillson  
Administrator

Sample Brown Assistant

EXHIBIT LOG: A - Testimony on HB 2587 - OEPP - 2 pages B - Testimony on HB 2587 - TSPC - 2 pages C - Testimony on HB 2587 - Board of Psychologist Examiners - 1 page D - Testimony on HB 2587 - OICA - 1 page