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Director's Update

Greetings everyone!

I hope this newsletter finds you and yours healthy and well. As I write this article, I am reminded of when we first heard about the COVID-19 virus and my mind quickly relives the past two years. That's right, we just surpassed the two-year mark of having to deal with the COVID pandemic. While I don't wish to relive all the details of having to manage and direct our MHRA Agency through this terrible time, I just want to take a moment to recognize all our front-line health care workers and the contributions and sacrifices that everyone has made. You all are incredible and continue to be amazing, day-after-day! COVID has touched us all in one way or another. It's probably safe to say that we all know of someone that has passed as a result of contacting the virus. Some of us were diagnosed with COVID and had to suffer and worry about whether we, or a loved one would survive. We all had to make a choice as to whether to be vaccinated. If so, which vaccine to get. While the pandemic is not yet over, and while our state is still under the emergency act ([Executive Order No. 21-36](#)), it feels like the worst is behind us. States have relaxed the mask rules. Airlines are wrestling with the decision of relaxing the mask requirements. Slowly, we are beginning to put the pandemic in the rear-view mirror, although not nearly fast enough.

With COVID came a lot of change. The world had to adapt to virtual meetings and working remotely, as well as telehealth. While virtual meeting technology has existed for years, suddenly, we all were forced to get acquainted with virtual meeting platforms. Most of the state workforce of 30,000 plus had to adapt to working remotely almost overnight. On the one hand, efficiencies were lost, but on the other hand, due to technology, efficiencies were gained. During the middle of COVID, our Agency launched a new on-line licensing portal. We did not plan to launch during COVID, but plans had been made well in advance of COVID and there was no turning back.

Launching a new licensing platform is never easy, but COVID certainly complicated matters. Now, it is entirely possible to become licensed or to renew your license without ever having to interact with Board staff. Possible, yes, but we are here just in case someone needs assistance.



In this Issue

Director's Update.....	1-2
The Board's Role.....	2-4
Enforcement Action.....	4
Obituary.....	5-7
Administrative Rulemaking.....	8
Reminders and Calendar.....	9

Director's Update, Cont.

As the COVID pandemic winds down, here at the state level we have had plans to re-open state offices. We were originally scheduled to re-open on January 1, 2022, but the OMICRON variant caused a delay. Now, we are set to re-open on May 1, 2022, barring any further setbacks. While our licensing office will be open, things will not be as they were before COVID. The Department of Administrative - Chief Human Resource Office (DAS-CHRO), in order to remain competitive with the private sector work force recognizes that remote work is here to stay and is strongly encouraging state Agencies to enter into remote work agreements with our staff. Here at MHRA, we will be following the guidance of the DAS-CHRO and many of our staff will be on hybrid remote work agreements, meaning that not all staff will be working from our state office M-F. Some staff will be working remotely part of the work week and in the office the remainder of the work week. We are still finalizing these work agreements at MHRA and by May 1, 2022, we will have staff schedules ironed out. While the licensing database allows for applicants and licensees to apply and renew online, there may still be a need to meet with Licensing staff in person. This applies to Compliance and Investigative staff as well. So, before traveling to Salem and expecting to be able to meet with a particular staff member, please be advised that it's advisable to call ahead of time to schedule a meeting when the staff member is scheduled to be present in the office should a personal meeting be necessary.

-Charles Hill, Executive Director, Mental Health Regulatory Agency
"Plans are nothing, but planning is everything" – Dwight D. Eisenhower

The Board's Role

The purpose of this article is to help clarify some common areas of confusion involving the role of the Board of Psychology (Board).

Regulatory Board vs. Professional Association

The Board was created for the purpose of determining qualifications for licensure for psychologists and psychologist associates (academic and training standards), ensuring that candidates meet the licensure qualifications (education, exam, experience, character, and fitness, etc.), ensuring ongoing compliance with licensure requirements (renewal, continuing education, designated qualified person, etc.), and establishing and enforcing a code of professional ethics. Board staff receive complaints and investigate alleged violations of Board law, rule, and the APA Code of Ethics. When appropriate, the Board imposes and enforces sanctions such as license suspension or revocation, civil penalty, requirement to practice under supervision, and additional continuing education. The regulatory functions of the Board are set to create high standards for professional practice in Oregon and to ensure the ongoing competence of the professionals licensed. In summary, the Board's purpose is to protect the public.

The Board's Role, Cont.

In contrast, the role of professional associations (e.g., the Oregon Psychological Association) is rooted in promotion of the profession. Associations typically offer continuing education trainings and networking opportunities, provide informational resources, keep members apprised of current issues, and engage in advocacy for—or in opposition to—legislation that affects the profession. Many professional associations offer peer consultations and provide advice on ethical or legal issues.

There are certainly areas where the interests of a regulatory board and a professional association will overlap. For example, proposed legislation that changes the continuing education requirements or modifies the scope of practice for psychologists will have both regulatory and professional practice implications. However, **there is an important distinction between a governmental regulatory board's public protection mandate and a professional association's professional advocacy role.** The two will not always align when it comes to certain policy considerations.

Legal and Clinical Advice

Another area of confusion involves the Board's advisory role. **Board members and Board staff cannot provide legal or clinical advice.** Oftentimes, the Board's website or staff may be able to direct individuals to relevant information such as applicable laws, rules, ethical code provisions, or official guidelines. But it is not the role of Board personnel to perform analysis of the law or to research clinical standards and provide advice on how those apply to a person's specific situation. Such advice takes specific legal and/or clinical knowledge and extensive, time-consuming research and analysis work to ensure accuracy and consistency. There are significant implications of offering such advice; it affects the rights and responsibilities of the Board and the recipient of the advice. From a practical perspective, current resource and staffing levels would not allow for Board staff to respond to requests for legal and clinical advice from more than 2,250 current applicants, residents, and licensees.

Psychologists, psychologist associates, residents, and applicants have a responsibility to read, understand, and follow the APA Code of Ethics and to adhere to applicable laws and regulations. *See OAR 858-010-0075 and the APA Code of Ethics (2010).* A practitioner who encounters an area of uncertainty must take steps to follow an ethical decision-making model. This includes regularly reviewing statutes, administrative rules, and ethical code provisions to ensure a strong foundational understanding. Researching best practice as it applies to your situation and consulting with colleagues and/or legal counsel is also recommended. Clearly document the steps that you took in order to resolve your issue, including what you learned from research conducted and discussions held. Also, you are encouraged to check with your professional association because, as mentioned above, many offer helpful advice services.

Similarly, it is not appropriate to contact individual Board members to attempt to lobby for a particular position, for example a policy opinion or a past or pending decision of the Board on a compliance issue. Board members are not able to speak as individuals about a Board matter or make any individual decisions outside of the full Board.

The Board's Role, Cont.

Many stakeholders are not aware of this, but the Governor's Office requires that Oregon State agencies, including the Board, must not take a position on any legislation other than to support bills introduced by the Board itself or the Governor's office.

Variances to Law, Rule, or Ethics Code

Oftentimes, the Board must render decisions or provide information that some individuals may find unfavorable. As described above, the Board is a governmental regulatory agency charged with setting certain standards and enforcing specified Oregon law. State agencies cannot set standards and then choose not to apply them to just some individuals or decide not to follow the statutes established by the Oregon State Legislature. Such practices are not only unfair and arbitrary but are also illegal. **The Board and its staff cannot grant variances to law, rule, or ethical code provisions.** A somewhat common area of confusion is the expiration of licensure applications or lapsing of licenses for those who fail to complete the process. While Board staff do put forth significant effort to strengthen awareness through advisory articles, web materials, and courtesy reminders, licensees, residents, and applicants are personally responsible for understanding and fulfilling the requirements to achieve and maintain professional licensure in Oregon. Requests for exception to the administrative rules cannot be granted by the Board.

- LaReé Felton, Policy Advisor to the Board, Mental Health Regulatory Agency
This article was originally published in Spring 2019.

Enforcement Actions

During the period of time from January 12, 2022, to April 12, 2022, the Board took the following actions:

Cara Freudenberg, Psy.D. (Licensee), **STIPULATED ORDER**, effective March 11, 2022. Between August 22, 2019, and January 29, 2020, Licensee was employed as a psychologist in a clinical practice in Oregon. During that time, Licensee conducted approximately 100 therapeutic sessions with approximately 23 individual patients which she failed to document in the clinic's electronic medical records system, although she took handwritten notes during the sessions. Licensee violated ES 6.01 Documentation of Professional and Scientific Work and Maintenance of Records. Licensee was ordered to submit a 1500-word self-reflective essay, complete 3 CEs, and pay a \$1,000 civil penalty.

Obituary



Dr. Arthur N. Wiens 1926-2021

Dr. Arthur N. Wiens, a longtime Oregon Health Sciences University (OHSU) professor of Medical Psychology, died of natural causes Dec. 18, 2021, at age 95. Arthur Nicholai Wiens was born in McPherson County, Kansas in 1926. Art was the oldest of two sons of Jacob and Helen Wiens. Born a Kansas farm boy, Art considered himself blessed to grow up in a three-generation home. His childhood, while it spanned the Depression years, was within a strong community of faith. He was descended from German-speaking Mennonites from Russia who settled in Kansas in the late 19th century.

Art was an avid reader and the anecdotal story is that the family moved to a different town in order to have access to a larger school library. His post high school education included two years at Tabor College followed by completion of his bachelor's degree at the University of Kansas in 1948. While at Tabor College, Art participated in the Voluntary Service Program. The Mennonite community has a long tradition of service. One of the choices was assisting in health care programs and the one Art selected was in mental health.

Obituary, Cont.

This sparked a lifelong interest in the mental health field and improving outcomes for patients.

While completing his second summer service tour in 1948, Art met a young nursing student, Ruth Helen Avery, a Connecticut Yankee. History suggests that Art was too shy to ask Ruth for a date. So, she asked him. Her idea was to go to the beach for swimming and a picnic lunch. Unfortunately, she failed to consider the fact that Kansas-bred Art had no idea how to swim. Not too far from shore, Ruth had to turn around and bring Art back to solid ground. They laughed about that story many times. The two were quite taken with each other. Art returned to Kansas and Ruth to nursing school in Washington, D.C. They maintained a daily correspondence for a year which culminated in a visit to Kansas by Ruth and they married in 1949 in Somerville, Mass.



Art and Ruth set up home in Kansas and both worked at the Topeka State Hospital. Their first daughter, Barbara, was born in Kansas in 1951. Career opportunities developed at the Oregon State Hospital (Salem) and the young family moved to Oregon. They arrived just before the birth of their first son, Bradley, born in 1954. Art continued his education and completed his PhD in 1956 at the University of Portland. Coincidentally, Commencement occurred on the date that his second son, Donald, was born.

After a few years working in Salem, Art was recruited to join the newly founded Department of Medical Psychology at OHSU. This was the nation's first department of medical psychology. The fledgling department grew rapidly and became highly respected in professional circles for the strength of the program. Art treasured the relationships he developed over his 39 years in the Department and was very proud of his students. He was a dedicated mentor and teacher and active in the accreditation of training programs in clinical psychology.

Obituary, Cont.

Art was active professionally and served in leadership roles for the American Psychological Association, Oregon Psychological Association and other professional organizations. Recognized for his contributions to the profession and mental health care, Art was the recipient of multiple awards and honors. Art retired in 1996 from OHSU as a Professor Emeriti.

Art was well known for his passion for tracing family history. After retirement, Art was able to give his undivided attention to working on his family's genealogy. As a lifelong researcher, he spent a great deal of time searching for data and primary documents. In 2008, he had the good fortune to be able to take a tour of ancestral sites in Poland and Ukraine. Art published notes from that trip as well as a collection of stories from his extended family.

Art was a dedicated family man and reveled in the academic and professional adventures of his children and grandchildren. He was quick to respond to a request for fatherly advice that was always delivered in a deliberate and measured way. As his children became adults and married, he happily welcomed the new members of his growing family.

Art was preceded in death by his parents; his wife, Ruth; and son, Don. He is survived by children, Barbara (Dan) and Bradley (Molly); four grandchildren; two great grandchildren; his brother, Alfred; and his sons, Michael (Linda), Garry (Sheila) and their families. In lieu of flowers, the family suggests that those seeking to honor Dr. Wiens through a contribution, do so by gift to the OHSU Foundation for the Ruth A. Wiens Nursing Education Scholarship Endowment Fund.

The Foundation can be reached by mail: 1121 S.W. Salmon, Suite 100, Portland, OR 97205; by phone: 503-228-1730; or on its website: ohsu.edu/foundation/ways-give

Administrative Rulemaking

On January 19, 2022, the Board filed a Permanent Administrative Order for the following rule amendments (effective January 19, 2022):

Amendments to residency and internship in-person supervision requirements, procedural rules, AG model rule adoption.

Amend OAR 858-010-0005: This amendment adopts by reference the Attorney General's (AG) Collaborative Dispute Resolution Model Rules, OAR Chapter 137, Division 5. It clarifies reference to the AG model rules for rulemaking and contested case hearings and adopts the model rules for agency declaratory rulings and orders in other than contested case. It removes the requirement for the Board to distribute a notice of upcoming meetings to all applicants and licensees for all Board and Committee meetings scheduled.

Amend OAR 858-010-0013: This amendment removes the requirement that individual supervision of internship experience that is part of a required degree program be conducted in-person.

Amend OAR 858-010-0036: This amendment allows individual and group residency supervision to be conducted electronically.

Repeal OAR 858-020-0205: This repeals OAR 858-020-0205, which is replaced by an adoption by reference of the Attorney General's Collaborative Dispute Resolution Model Rules in OAR 858-010-0005

On March 14, 2022, the Board filed a Permanent Administrative Order for the following rule amendments (effective March 14, 2022):

Compliance with the Oregon Health Authority's COVID-19 requirements.

Adopt OAR 858-020-0116: This new rule sets forth that failure to comply with any applicable provision of an Oregon Health Authority COVID-19-related rule constitutes unprofessional conduct. Violations are subject to Board sanction.

On March 15, 2022, the Board filed a Notice of Proposed Rulemaking for the following rule amendment:

Application approval process and Board ordered conditions

Amend OAR 858-010-0020: This amendment removes the requirement that applicants must satisfy any conditions ordered by the Board, including payment of any civil penalty, before the Board will approve the application.

The agency requests public comment on whether the options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business. Please email your comments to laree.felton@mhra.oregon.gov or mail them to the Board's office at 3218 Pringle Road SE, Ste. 130, Salem, OR 97302. All comments must be received no later than 5:00 p.m. on April 26, 2022.

Please visit our [Administrative Rulemaking Webpage](#) for more information.

Reminders

Important Reminders!

The new one-hour **Pain Management** requirement has begun. Licensees who renew on or after January 1, 2022 must report this training. Licensees may complete the free online [Pain Management Module](#) provided by the Oregon Pain Management Commission. Beginning July 1, 2022, licensees must complete 2 hours of **Suicide Risk Assessment, Treatment and Management** within each reporting period.

To ensure that you **receive important information from the Board**, please add the following emails to your “safe” list:

obop@thentiacloud.net – renewal reminders, request confirmations and approvals, and other notifications.

obpeenews@omls.oregon.gov – listserv emails that include important notices, rulemaking information, and newsletters.

If you do not have a current **qualified person designation**, or if your person is no longer eligible to serve in this role (because they have retired their license, expired, or changed to inactive status), the licensing system will now be sending email reminders to licensees who need to update their designation. To approve another licensee’s request for you to serve as their QP, you will need to login to the [Licensee Portal](#) and click the “Qualified Person” menu option on the left side menu. Then click “Designated Person Verification” to see pending requests and click the “Review” button to either revoke or approve the request. If you believe you have received an email in error, please double check your designations in the Portal, and follow up with any licensee who has not yet approved your QP request, before reaching out to Board staff. More information about this requirement and helpful resources can be found on the [Qualified Person Webpage](#).

Board **meeting notices** are posted to the [Board Meetings](#) webpage. For those interested in attending a meeting, note that each public meeting notice & agenda contains the information needed to join the meeting (meeting link) at the top of the agenda document.

As the pandemic continues to evolve, the Board’s COVID-19 Workgroup will be developing and posting new **COVID-19 Board Resources** such as FAQs and guidance to the [COVID-19 Webpage](#). This is an excellent resource for questions about considerations for telehealth, returning to in-person services, informed consent, waiver of liability, and other practice issues. It contains helpful links to external guidelines and resources as well. We encourage licensees to visit the webpage regularly for new and updated information.

Upcoming Events

April

4/15: Education Committee Meeting
4/21: Consumer Protection Committee Meeting

May

5/13: Board Meeting
5/20: Education Committee Meeting
5/30: Office Closed for Memorial Day

June

6/16: Consumer Protection Committee Meeting
6/17: Education Committee Meeting

July

7/4: Office Closed for Independence Day
7/8: Board Meeting
7/15: Education Committee Meeting

August

8/18: Consumer Protection Committee Meeting

Reminder! Contact information changes are now made in the [Licensee Portal](#). Please make sure to update your email address if it changes so that you continue to receive correspondence. You can view and download your license card and receipts, update your qualified person designation, and complete your biennial renewal via the Portal.

OBOP News is the official newsletter of the Oregon Board of Psychology and is edited by board staff. Please visit our website at Oregon.gov/psychology, email, or contact us with any comments or suggestions.

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