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Director's Update

Greetings everyone,

The 82nd Oregon Legislative Assembly, 2023 regular session began on January 17, 2023, and is well underway and the first chamber deadline passed on April 4, 2023. MHRA's budget bill House Bill 5024 is winding its way through the legislature with the public hearing and testimony before the Joint Subcommittee on Education on February 16, 2023 (MHRA Presentation). As we closed out 2022, for BLPCT we had 6,338 licensees (4,814 LPCs and 1,524 LMFTs) and 1,811 registered associates (1,478 professional counselor associates and 328 marriage and family therapist associates) along with 477 applicants in the pipeline. For BOP we had 2,319 licensees (2,296 psychologists and 23 psychologist associates), 91 residents, 154 psychologists holding visitor permits, and 95 applicants in the pipeline. From 2021 to 2022, BOP added 165 new psychologists, and BLPCT added 886 new LPCs and LMFTs. This represents a 17.0% growth for BLPCT and a 17.9% growth for BOP over the prior year. On the compliance side of the shop, BLPCT had a record 154 compliance cases opened in 2022, up from 140 cases opened in 2021. For BOP, 71 compliance cases were opened in 2022, up from 42 cases opened in 2021.

Highlights of HB 5024 include:

- Policy Option Package 090. BLPCT continues to outpace the BOP in the growth of our licensing base at MHRA and this justifies an adjustment in our cost allocation model from 70/30% to 75/25%. This simply means that the BLPCT side of the Agency will be paying 75% of most administrative expenses, while BOP will foot 25% of the administrative burden.

Due to continued growth of both Boards, and to sound fiscal management, our actual revenues from license fees have exceeded projections, while our actual administrative expenditures have been less than expected. Therefore, I feel that a decrease in license fees is in order. If HB 5024 passes, a reduction in license fees will begin on January 1, 2024. We have analyzed this fee reduction carefully and we have projected revenues and expenses for the next two biennia (4 years) and I feel comfortable with this decision to reduce license fees.

- Policy Option Package 100. Due to the increase workload in the office, we are adding a new Administrative Assistant -1 position which will become effective July 1, 2023, upon passage of HB 5024.

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Director's Update, Cont.

- Policy Option Package 101. As mentioned in my opening paragraph, 2022 was a record year in investigations. Along with an increase in licensees comes an increase in compliance cases and I have no reason to believe that this trend will not continue. Package 101 creates a new permanent Investigator-2 position, to replace the current limited duration position, and will become effective July 1, 2023 upon passage of HB 5024.
- Policy Option Package 102. Supports House Bill 3300 which, if passed will, allow MHRA to create a new Limited Permit for BLPCT at an established a \$100 fee. HB 3300 will also allow the BLPCT to renew licenses other than an annual basis. Our plan will be to renew BLPCT licensees every two years instead of annually.

There are several other Bills of interest, and we are including the ones that we are tracking.

Enjoy the cherry blossoms at the State Capitol if you have a chance to and take care everyone.

–Charles Hill, Executive Director

“Plans are nothing, but planning is everything” – Dwight D. Eisenhower

Enforcement Actions

During the period of time from January 7, 2023, to April 10, 2023, the Board took the following actions:

Andrew Engstrom (Respondent) is a Marriage and Family Therapist licensed to practice in the State of Washington. Respondent is not and has never been licensed to practice in the State of Oregon. From December 2020 through March 2022, Respondent provided therapy services to a client residing in Washington, providing approximately 58 sessions within Washington. In late March 2022, the client and their spouse decided to move to Oregon to be closer to support networks and they cancelled their scheduled March 31, 2022 therapy session to pack their household for the move to Oregon. On April 7, 2022, the client contacted Respondent by text to request a counseling session. On two occasions, Respondent conducted virtual or telephonic counseling sessions with the client while the client was located in Oregon. Respondent neither admits nor denies, but the Board finds that the conduct described above violates ORS 675.020(1)(a). Respondent was ordered to pay a civil penalty of \$250.

Paul Guastadisegni, Ph.D (Licensee) is licensed by the Board to practice psychology in the State of Oregon. On September 10, 2021, the Board issued a Default Final Order to Licensee. The Order required Licensee to practice under clinical supervision by a supervisor previously approved by the Board's Executive Director for a minimum of one year. The Order further required Licensee to pay a civil penalty to the Board in the amount of \$17,000 no later than 90 days from the date the Order was issued. On May 12, 2022, Licensee submitted the name of a proposed supervisor to the Board, which was approved the next day, but, to date, Licensee has not paid the entirety of the assessed civil penalty. Licensee admits and the Board agrees and finds that Licensee failed to pay the civil penalty called for in the Order as required by OAR 858-020-0045(8), as set forth above. Licensee was ordered to comply with all terms of a Payment Plan, and the Board shall consider on-going compliance with the Payment Plan represents compliance with the Order and shall not withhold renewal of Licensee's license on the basis that he has failed to comply with the Order. If Licensee fails to comply with the Payment Plan, Licensee may be subject to further discipline.

Enforcement Actions, Cont.

Brenda Petris (Respondent) has never been licensed by the Board or any behavioral or mental health board in the State of Oregon. For a period of approximately 15 years Respondent provided therapy to Individual A, an adult male. Respondent charged Individual A for her therapy services on an hourly basis, eventually reaching an hourly rate of approximately \$150 per session, ultimately collecting approximately \$85,000 total in fees from Individual A. On January 7, 2022, Respondent emailed Individual A to end their therapist-client relationship. Respondent told Individual A that she was licensed by a state licensing board and reported at times that she was taking continuing education classes required to maintain her license. When confronted by Individual A about whether she was licensed, Respondent at one point told Individual A that her bookkeeper had failed to pay her licensing fee. When Individual A informed Respondent that he wanted his records transferred to his new therapist, Respondent failed to provide any files or respond to the request. For a period of approximately 9 years, between 2012 and 2021, Respondent provided therapy services to Individual B, who was approximately 12 years old when the therapeutic relationship began. Individual B was the daughter of Individual A. When Individual B began to see a new therapist, she contacted respondent to request that a copy of her files be sent to the new therapist. At that time, Respondent informed Individual B that she had shredded the files. Respondent attributed her decision to destroy the files to Individual B's alleged failure to communicate with her; "ghosting" her. Respondent provided therapy to Individual C, an adult female, between 2002 and 2018. Respondent described herself to Individual C as a "therapist" and spoke of her work as a therapist in other professional contexts and described herself taking continuing education courses, such as those required for licensure. Respondent's actions constitute violations of ORS 675.020(1)(a). Respondent was ordered to pay a civil penalty of \$30,000 within 90 days.

Susan Gendein-Marshall, Ph.D (Licensee) is licensed by the Board to practice psychology in the State of Oregon. Licensee advertised as a psychologist on the Psychology Today website. In the advertisement, Licensee indicated that she offered "sliding scale" fees, and indicated which insurance plans she accepted, including Blue Cross Blue Shield (BCBS). Licensee was not an in-network provider for BCBS. For clients on BCBS, Licensee would prepare, upon request, an itemized statement of services for clients to submit to BCBS for possible reimbursement, though there was no guarantee that this would work. Beginning in or about March 2021, Licensee provided services to Client A who located her through the Psychology Today website. Client A had some financial instability and received some financial assistance from their parents, including eligibility for coverage by one parent's health insurance, BCBS. Client A's struggles with paying Licensee's fees was recorded in multiple session notes. While Licensee's session notes record that the fee structure was discussed with Client A, Licensee did not record the fee arrangement to which Client A consented, nor was the agreement memorialized in writing elsewhere. BCBS did not cover Licensee's services to Client A. Licensee neither admits nor denies, but the Board finds that Licensee violated ES 3.10, and ES 5.01. Licensee was ordered to pay a civil penalty.

Enforcement Actions, Cont.

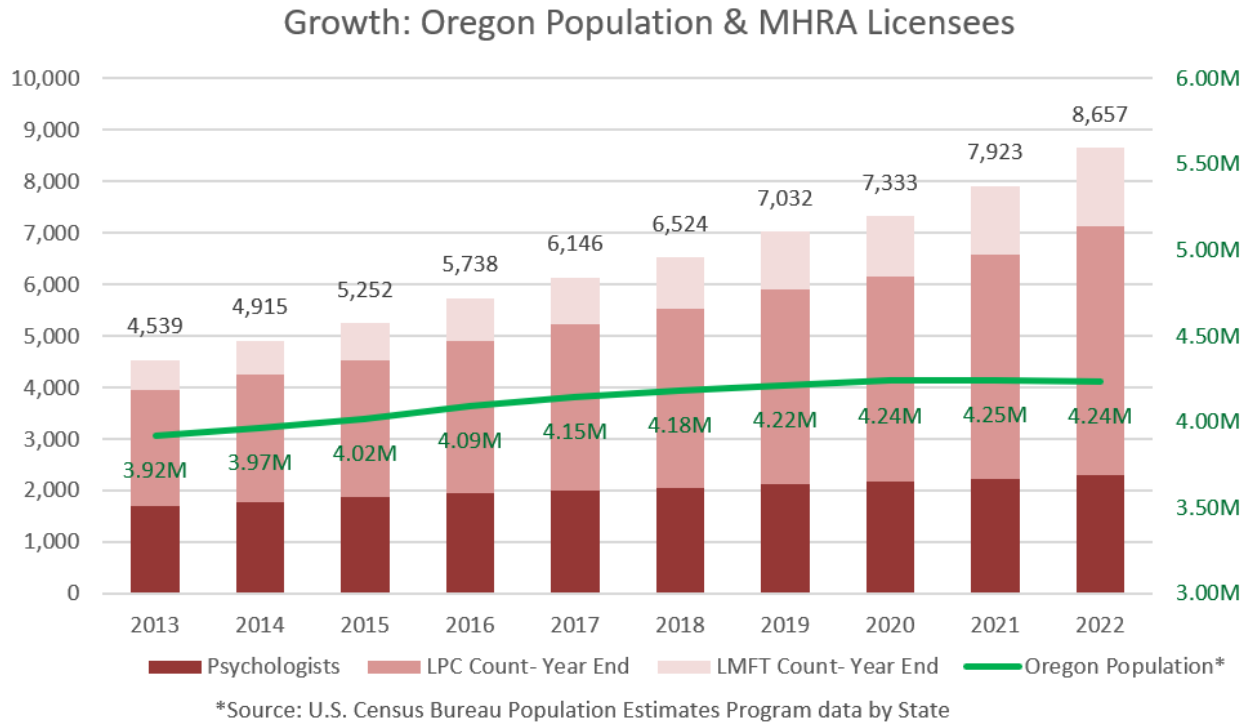
Mark Aron, Psy.D (Licensee) is licensed by the Board to practice psychology in the State of Oregon. In February 2015, Licensee began providing therapy to Client A, an adult man. In August 2015, Client A got married. The couple proceeded to have three children. Client A and his wife experienced conflict in their marriage. They separated in December 2020 and their divorce was finalized in May 2021. Licensee's therapeutic relationship with Client A continued until at least 2022. During his therapy, Client A disclosed multiple instances of conduct that might reasonably have given rise to concerns that Client A was endangering his children, including leaving the children unattended at parks or campsites, driving under the influence of alcohol with children in the car on multiple occasions, and discharging a firearm outside the family home in the course of an argument with his wife. Licensee had authority under Oregon law to disclose the possibility of child endangerment to the Department of Human Services or a law enforcement agency, as a "mandatory reporter". However, Licensee did not report the conduct to any professional. The acts and conduct of Licensee described above constitute violations of ES 4.05(b). Licensee was ordered to complete a minimum of six hours of continuing education about ethical standards applicable to the practice of psychology, write and submit a self-reflective essay of 1,500 words addressing what he learned from the continuing education, and pay a civil penalty.

Diane Ulicsni (Respondent) is not licensed by the Board to practice psychology in the State of Oregon. Respondent provides coaching and hypnotherapy services to the public from her office in Lake Oswego, Oregon. In or around December 2022, Respondent advertised on her website that she specialized in services related to PTSD and Panic and Anxiety Disorders, as well as offering services to help people recover from PTSD and anxiety. She further offered to provide "panic attack resolution". Under her areas of expertise, Respondent listed "Panic and Anxiety Disorders" and "PTSD Trauma Resolution". Respondent offered to treat "mental health problems such as anxiety, fears, phobias and depression". The Diagnostic and Statistical Manual, Fifth Edition (DSM-5) is the diagnostic standard used within the profession of psychology. Panic Disorder, Anxiety Disorder, and Post-Traumatic Stress Disorder are all behavioral health conditions with specific diagnostic criteria described in the DSM-5, and require a license to both diagnose and treat. The acts and conduct of Respondent described above constitute violations of ORS 675.020(1)(a) and ORS 675.020(1)(b). Respondent was ordered to pay a civil penalty; however, this sanction was stayed for as long as Respondent remains in compliance with ORS 675.020.

2022 Year-End Stats

Licensing

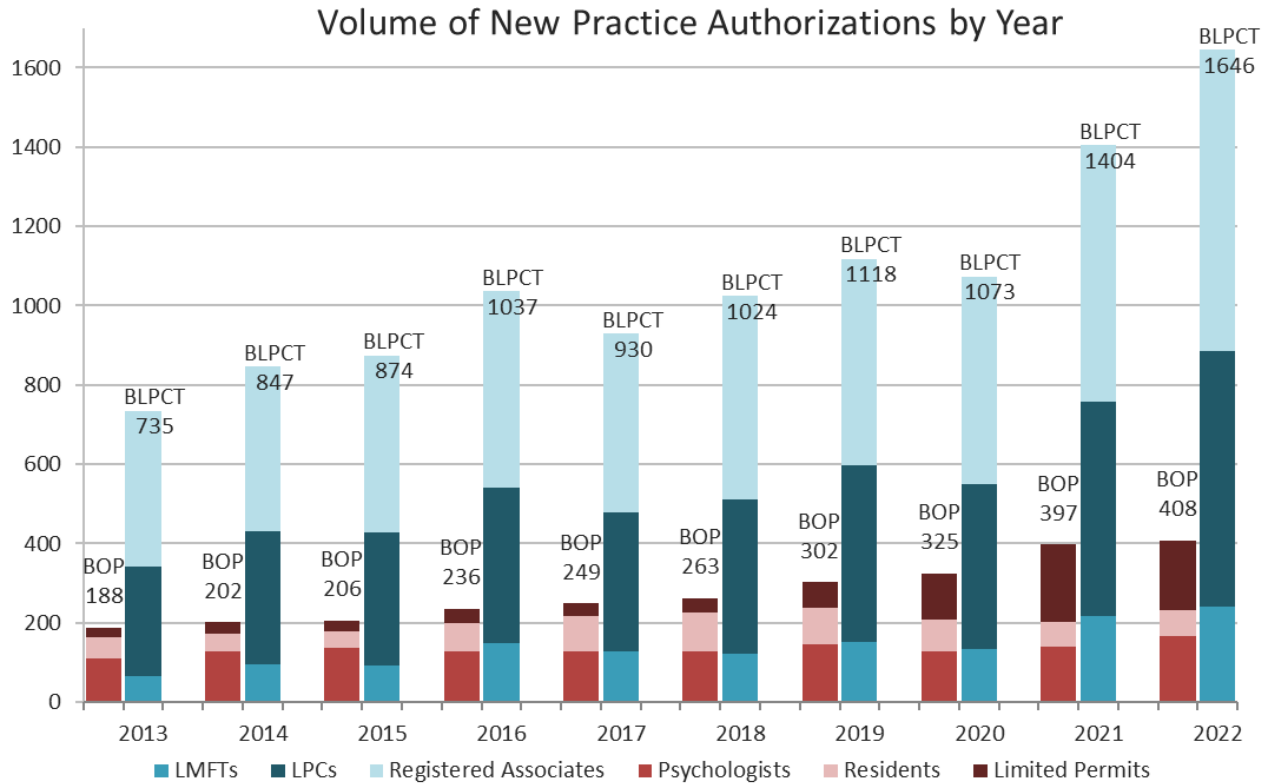
The following graphic displays volume of MHRA licensees (total count at year end) as compared to the Oregon population overall.



In 2013, there were 865 Oregonians per MHRA licensee, and ten years later in 2022, there were 490 Oregonians per licensee. **Over the past decade, we have increased the availability of licensed mental health providers in the state by 91%, growing by an average 7.4% per year.**

2022 Year-End Stats, Cont.

The following graphic displays the volume of new licenses, associate registrations, residents, and limited permits issued over the last 10 years, by Board.



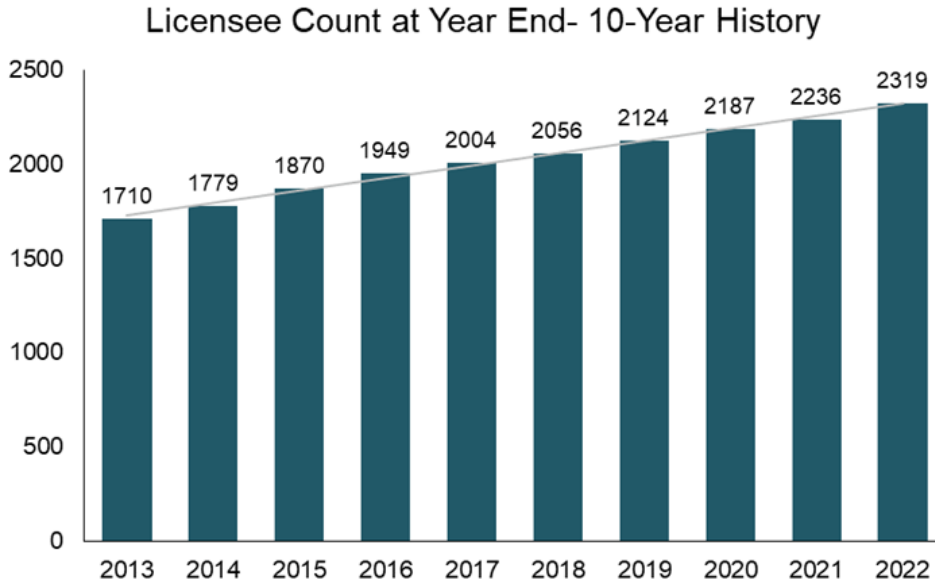
BLPCT has grown an average of 10.0% per year in the volume of new authorizations issued. In 2022, there was an all-time high of 644 new LPCs, 242 new LMFTs, and 760 new registered associates, including 645 professional counselor associates and 115 marriage and family therapist associates.

BOP has grown an average of 9.2% per year in the volume of new authorizations issued. In 2022, there was an all-time high of 165 new psychologist licensees, and 66 new psychologist residents. The Board also issued 177 limited permits. The recent larger than typical volume of permits is attributable to the pandemic, which is now beginning to decline from an all-time high of 194 permits in 2021.

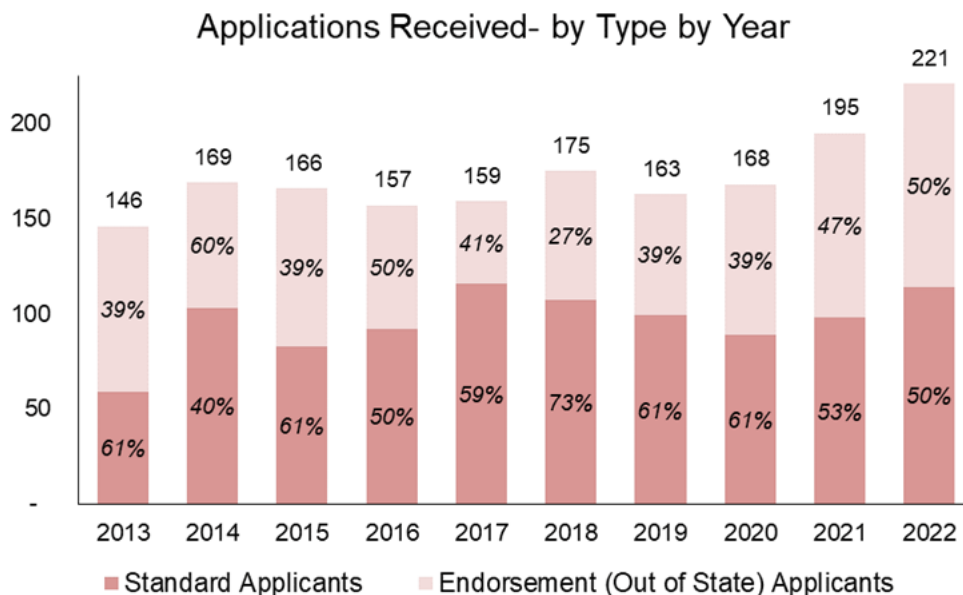
2022 Year-End Stats, Cont.

Board of Psychology

At year-end 2022, there were 2,319 licensees, including 2,296 psychologists and 23 psychologist associates. Of the psychologists, 1,922 were on active status (83.7%), 187 were on semi-active status (8.1%), 185 were on inactive status (8.1%), and 2 were suspended (0.09%). Of the psychologist associates, 15 were on active status (65.2%) and 8 were on semi-active status (34.8%). This represents an average overall growth of 3.4% per year over the past 10 years.



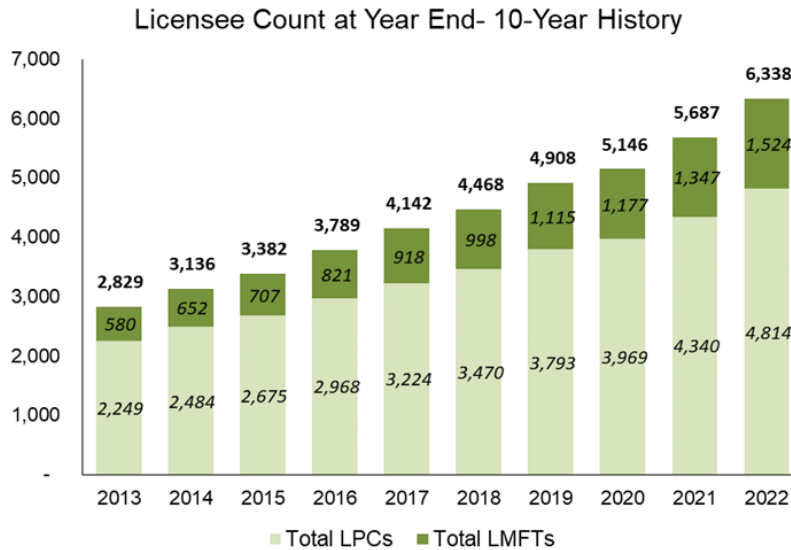
BOP received 221 licensure applications in 2022, an all-time high. The volume of applications received has been growing by an average 5.1% per year over the past ten years. Out of the 1,719 total applications received in the past ten years, 960 (56%) were standard applications and 759 (44%) were endorsement applications (licensed in another state).



2022 Year-End Stats, Cont.

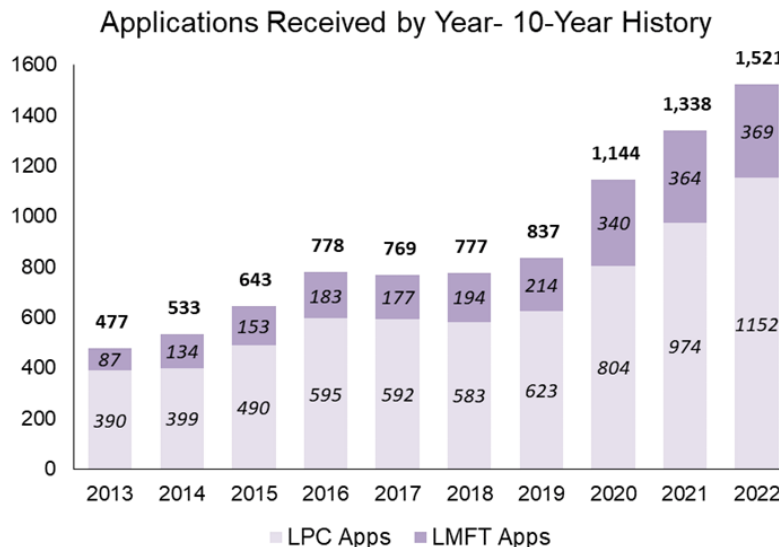
Board of Licensed Professional Counselors and Therapists

For BLPCT, the number of new licenses issued grew an average of 12.3% per year over the past 10 years. New LPCs grew at an average rate of 10.6% per year, and new LMFTs 19.4% per year.



The total number of licensed counselors and therapists in Oregon has more than doubled over the past ten years. At year-end 2022, there were 6,338 licensees, including 4,814 licensed professional counselors (LPCs) and 1,524 marriage and family therapists (LMFTs). Of the LPCs, 4,594 were on active status (95.4%) and 220 were on inactive status (4.6%). Of the LMFTs, 1,438 were on active status (94.4%) and 86 were on inactive status (5.6%).

BLPCT received 1,521 licensure applications in 2022, an all-time high. The volume of applications received has been growing by an average 14.3% per year over the past ten years, with LMFT applications (19.1%) growing at a faster rate than LPC applications (13.3%).



2022 Year-End Stats, Cont.

Compliance

The following graphic displays the volume of investigations received each year by the Boards.



There was an unusual decline in investigations in 2020, likely attributable to the pandemic. Then in 2022, MHRA saw a record high volume of cases at 225. BOP cases have grown by an average 5.2% per year over the past ten years, and BLPCT cases have grown an average 13.1%, consistent with their growth in licensee base.

HB 3139

New Oregon Law and Best Practices Involving Parents and Trusted Adults in Youth Suicide Prevention

The Oregon Legislature passed HB 3139 in 2021 to clarify when mental health care providers, including psychologists, are required to notify parents or engage trusted adults in suicide prevention safety planning. The bill was introduced by Rep. Ron Noble, R-McMinnville, on behalf of the Wilson Family who lost their teenage daughter, Chloe, to suicide. The parents never learned of her risk factors, including a history of suicide attempts, self-harming behavior, and active suicidal ideation until reading about them on the death certificate.

Dr. Daniel Nicoli, a child and adolescent psychiatrist, testified that safety planning sometimes requires disclosure of information. “Involving family members and other supports in safety planning is an evidence-based strategy that reduces the risk of suicide and saves lives. The most important thing is to do it. There’s a misconception that doing so against a minor’s wishes is a violation of confidentiality laws (HIPAA), which acts as a barrier to this important intervention.”

Oregon law now requires licensed medical and mental health providers to disclose information about a minor’s treatment and diagnosis as clinically appropriate, regarding a serious and imminent risk of suicide. HIPAA allows for the notifications and engagement outlined in HB 3139, but federal regulations related to privacy laws around disclosure are often poorly understood. This law doesn’t change current best practices, which require clinical judgment in determining when it’s appropriate to engage parents and other trusted adults and what information to disclose to them. The law also provides mental health providers immunity from civil liability for making the disclosure without the consent of the minor. There are exceptions to the disclosure requirement. Providers should not disclose this information in the following circumstances:

- Reasonable belief of abuse or domestic violence against the youth
- Youth would be endangered by sharing info
- Against the youth’s best interests
- Legal emancipation or 90-day separation from family

The Oregon Health Authority convened a stakeholder workgroup to help promote awareness of this law and to develop resources for parents, teens, and providers. Information about the law, including a one-pager, FAQs, a training video for providers, and materials for trusted adults and teens, can be found on the [OHA House Bill 3139 Webpage](#).

This material is provided for informational purposes only. The provision of this material does not constitute legal advice. Legal advice must be tailored to the specific circumstances of each case, and the contents of this training are not a substitute for legal counsel. Do not take action in reliance on the contents of this material without seeking the advice of counsel.

2023 Legislative Session

The 2023 Legislative Session began on January 17, 2023, and the first chamber deadline passed on April 4, 2023. Things are moving right along, and there are several measures MHRA is still watching, including the following:

Senate Bill 517- Restricts licensing boards' ability to take action when an applicant or licensee has a criminal conviction. Requires boards to create a procedure for any person convicted of a crime to petition the board to make a binding pre-determination as to whether the person will qualify for licensure if they were to apply.

Senate Bill 783- Prohibits employers, state agencies, and licensing boards from taking certain actions on basis of record created or maintained under jurisdiction of juvenile court. Specifies exemptions.

Senate Bill 818- Directs Oregon Health Authority (OHA) to develop list of tailored suicide risk assessment and treatment continuing education opportunities board licensees including psychologists, LPCs and LMFTs. Requires OHA to develop continuing education opportunities if none exist. Allows specified health professional regulatory boards to approve continuing education opportunities included on list developed and maintained by authority, and to specify minimum requirements to exempt licensees regulated by board from requirement to complete continuing education.

Senate Bill 849- Requires professional licensing boards to provide culturally responsive training to specified staff members, publish guidance on pathways to professional authorization for internationally educated individuals, and waive requirements for English proficiency examinations for specified internationally educated individuals.

House Bill 2463- Requires OHA to convene two work groups to study statutory and regulatory framework for behavioral health systems and make recommendations to reduce administrative burdens on behavioral health care providers and increase system efficiencies.

House Bill 2626- Adds licensed mental health professionals, including psychologists, LPCs, and LMFTs, to the types of providers eligible for a tax credit allowed to rural medical care providers.

House Bill 3300- This is BLPCT's concept that was graciously introduced by Representatives McLain and Ruiz. It authorizes BLPCT to issue limited permits to qualified applicants, and removes the requirement that LPC and LMFT licenses be renewed annually.

This is provided for informational purposes only. Please note that the Board cannot answer questions about the outside bills and must not take any position on pending legislation. If you are interested in getting involved, you may contact your legislator and/or submit written or verbal testimony to the Legislature. Each Bill above includes a hyperlink where you can find more information on the Oregon State Legislature website.

–LaReé Stashek, MHRA Policy Advisor

Reporting Requirements

Summary of major reporting requirements of BOP licensees, residents, and applicants.

What must be reported	Timeline	Reference
A licensee or resident who has reasonable cause to believe that another licensee/resident, etc. has engaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for the person who is believed to have engaged in the conduct.	Without undue delay, but in no event later than 10 working days after learning of the conduct.	ORS 675.145; 676.150(2)
Licensees and residents self-report to the Board: 1) misdemeanor or felony convictions, and 2) felony arrests.	Within 10 days after the conviction or arrest.	ORS 676.150(3)
Complete and accurate responses to all of the Board's Character and Fitness questions.	On application and at renewal.	OAR 858-010-0034 (3)(a); 858-010-0041 (1)(a)
Licensees notify the Board in writing of changes to public or mailing address, telephone number, or name.	Within 30 days of the change.	OAR 858-010-0061
Applicants notify the Board if any information submitted on the application changes, including but not limited to: name, address, email address, telephone number, complaints, disciplinary actions, litigation, criminal involvement, and employment investigations which results in disciplinary action.	Immediately, but not less than within 30 days.	OAR 858-010-0020 (5)
Residents & residency supervisors must notify the Board and explain any interruptions or proposed termination of the Resident Supervision Contract.	Promptly; within 14 days.	OAR 858-010-0036 (4)(e); (5)(f)
Residency supervisors must notify the Board of professional or ethical concerns about a supervisee.	Promptly.	OAR 858-010-0036 (5)(e)

Upcoming Events

April:

4/20: Consumer Protection Committee Meeting

4/21: Education Committee Meeting

May

5/12: Board Meeting

5/19: Education Committee Meeting

5/29: Office Closed for Memorial Day

June

6/15: Consumer Protection Committee Meeting

6/16: Education Committee Meeting

6/19: Office Closed for Juneteenth

July

7/4: Office Closed for Independence Day

7/14: Board Meeting

7/21: Education Committee Meeting

August

8/17: Consumer Protection Committee Meeting

8/18: Education Committee Meeting

September

9/4: Office Closed for Labor Day

9/8: Board Meeting

9/15: Education 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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