OBOP News

Winter 2019 Edition

Board Members

Clifford A. Johannsen, Ph.D., Chair
Psychologist, Lake Oswego

Peter Grover, Ph.D., Vice-Chair
Psychologist, Portland

Patricia Bjorkquist, Ph.D.
Psychologist, Salem

Celeste Jones, Psy.D.
Psychologist, Portland

Linda Nishi-Strattner, Ph.D.
Psychologist, Tigard

Dave Ziegler, Ph.D.
Psychologist, Jasper

Jon Weiner
Public Member, Salem

Janice Schermer
Public Member, Portland

Vacant Position
Public Member

Staff

Charles Hill
Executive Director

LaReé Felton
Policy Advisor / Licensing Manager

Allison McGonagle
Compliance Specialist

Rebekah Talley
Licensing Program Specialist

Dan Vile
Investigator

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A Word from the Executive Director

Greetings everyone, and my wishes to you for a happy and prosperous 2019! As we put 2018 to rest and enter into 2019, I would like to take a moment to reflect on some Accomplishments for 2018. We had a busy year at the MHRA as we implemented and streamlined the new Agency. Personally, I am glad that 2018 is in the rear view mirror. As we move into 2019, our number one administrative priority is to purchase and implement a new database system for both the OBOP and the OBLPCT. Towards that end, we have been working for well over a year on this project and we consulted with a Business Analyst to assist us in identifying our functional and non-functional needs. Presently, we have issued a Request for Quotes (RFQ) which are due by January 31, 2019. My hope is to make a decision on a database vendor in February and to have a new database fully operational by June 30, 2019.

In previous newsletters, I put out a request for Board member applicants for both the OBOP and the OBLPCT. I want to take a moment to thank everyone who took the time to apply. Becoming a Board member is a huge commitment and I am pleased with the number of folks who applied. Thankfully, all of our Psychologist positions are filled for the OBOP and our Licensed Professional Counselors and Licensed Marriage Family Therapists positions are filled for the OBLPCT. However, each Board still has a Public Member vacancy that needs filled, and there will be three Senate confirmation hearings coming up soon. One in February, March, and April of 2019. So, once again, we are asking that you help us recruit for these vacant positions. If you know of anyone who may be interested in serving on either the OBOP or the OBLPCT as a public member, please have them contact me directly, or they can go to the Governor's website to apply. Here is a link on How to Apply .

We continue to see growth at the MHRA, and we keep asking ourselves, "When will we peak?" It's anyone's guess but, for now, we see no end in sight. For a 5-year period from 2014-2018 the volume of OBOP licensees issued and residency contracts approved per year grew by an average 7.3% per year. For 2018 the number of psychologist licenses issued and residency contracts approved was 226, surpassing the 2017 number of 217. During the same 5-year period the volume of OBLPCT licenses and interns issued grew at an average of 9.3% per year. For 2018, the number of licenses and interns issued was 1,137 surpassing the 2017 mark of 1,024. Of course the increase in licensees translates directly into a heavier workload for licensing and compliance staff. Accordingly, I will be asking the Legislature for an additional FTE for the 2019-2021 biennium to keep up with the growth that we are experiencing.

We have two articles in this newsletter that are authored by Board members from the OBOP and the OBLPCT that are of interest. I encourage everyone take the time to read them. Dr. Linda Nishi-Strattner, PhD., OBOP, has authored a very informative article regarding Social Media Guidelines that were officially adopted by the OBOP in September, 2018. In addition, Carolyn Alexander, Esq. and OBLPCT Vice-Chair, has authored a very informative article on Mandatory Reporting of Abuse Involving Sexual Contact between Consenting Adolescents Close in Age. Much thanks to Dr. Nishi-Strattner and Ms. Alexander for taking time to write these articles!

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

Board Social Media Guidelines

Did you now that Oregon leads the nation in developing guidelines for the use of social media by psychologists? In 2017, your Oregon Board of Psychology began to track an increasing frequency of complaints against psychologists that involved their use of social media. This prompted the Oregon Board of Psychology to form a social media work group to develop guidelines for the use of social media by psychologists. Our committee tapped the expertise of Oregon Board of Psychology members (Linda Nishi-Strattner, Ph.D., Clifford Johannsen, Ph.D. (OBOP chair), and Sandra Jenkins, Ph.D.), psychologist licensees (Deborah Wise, Ph.D., and Carilyn Ellis, Psy.D.), OPA representatives (Spencer Griffith, Psy.D., and Mary Peterson, Ph.D.), and technology expert and counselor licensee Roy Hugging, LPC, NCC.

This hard-working, all volunteer group worked diligently over a year-long process of meetings, discussions, writing sessions, and editing to produce the guidelines for social media document that is included in your OBOP website. We put the document out for public comment on this website in May of 2018, and we incorporated your questions and comments in our final revision. We presented a synopsis of this document at the 2018 May OPA conference, and at the 2018 annual APA convention. It includes helpful suggestions, precautions, examples in the form of vignettes, and of course, references for your reading pleasure. If you missed the presentation at OPA in May or at APA in August, you can access both the Social Media Guidelines for Psychologists document and the PowerPoint presentation online at Oregon.gov/Psychology, under the Policies, Plans, & Reports section at the bottom of our home page.

The Social Media Guidelines were reviewed by the full board at OBOP in July of 2018 and were adopted officially by the OBOP on September 14, 2018. In October 2018, we offered our document and materials to the Social Media Committee at ASPPB, so some of the international work on this topic may eventually contain a hint of Oregon! We encourage all licensees to take a look at the wealth of thoughtful recommendations, carefully chosen considerations, and resources contained in our document. Your board members have attended trainings and discussions about these materials so that we can be as up to date as possible. Our many thanks to the committee members who devoted their time and effort to create these tools!

Note: While we are proud of this product, we are aware that social media is a quickly changing frontier, and we anticipate that revisions and/or additions will be necessary in the upcoming seasons. Our committee members have all volunteered to be at the ready to convene as necessary to address concerns as they arise. Once again, our thanks to these productive volunteers.

Linda Nishi-Strattner, Ph.D., OBOP Member Ψ

Mandatory Reporting of Abuse Involving Sexual Contact between Consenting Adolescents Close in Age

Psychologists and others have a mandatory obligation to report child abuse, under the statutory provisions in ORS 419B.005 through ORS 419B.055. Those provisions define "child" as an unmarried person under 18 years of age. Recently, the Oregon Department of Human Services (DHS) asked the Oregon Attorney General whether mandatory reporters are required to report every instance of sexual conduct involving consenting minors who are close in age. In response, the Attorney General issued an opinion (Opinion 8294), concluding that the qualified answer to that question is no.

Under Oregon law, minors under the age of 18 are legally unable to consent to sexual contact, and nonconsensual sexual contact constitutes a crime. However, where sexual contact is a crime only because a minor is too young to consent, ORS 163.345 provides a complete defense: sexual contact is not a crime if the participants are less than three years apart in age and the sexual contact would be consensual, but for the fact that the minor cannot legally consent under the law. In her opinion, the Attorney General determined that this defense – called the "age-gap defense" – reflects a legislative decision that not all sexual conduct involving adolescents is inherently harmful. Therefore, the legislature did not intend to require that all adolescent sex be reported as abuse, which Oregon law defines as conduct causing injury or other harm to a child.

Mandatory Reporting of Abuse Involving Sexual Contact between Consenting Adolescents Close in Age (continued)

In summary, the Attorney General concluded that mandatory reporters are not obligated to report every instance of sexual conduct involving a minor where the age-gap defense applies. Sexual contact between participants less than three years apart in age does not require reporting, if the lack of consent is due solely to the age of the minor and no other factors make the conduct a crime or otherwise qualify as "abuse" under ORS 419B.005. But that conclusion is qualified. Each instance of sexual conduct involving a minor must be considered, and if the conduct was likely harmful to the minor, it must be reported – whether or not the age-gap defense may apply.

The Attorney General's opinion is binding on DHS. Nevertheless, because that opinion did not consider specific factual scenarios, licensees should proceed with caution in deciding to not report sexual contact between minors, and to err on the side of making a report to DHS or to a law enforcement agency. If one of the minors is under the age of 15 years old, there is a high likelihood of harm, and, under those circumstances, licensees are encouraged to report the sexual contact. In addition, licensees should be aware that some school districts and agencies may still require reporting close-in-age adolescent sexual contact as a matter of policy.

Carolyn Alexander, Esq., OBLPCT Vice-Chair **Ψ**

New Board Members & Staff

The Board would like to welcome one new staff member and two new Board members!

Dan Vile, Investigator

Dan was born on the East Coast and found himself living in California while serving in the US Marine Corps. After the Marines, Dan joined the San Diego Police Department (SDPD) and served as a police officer there for 28+ years, with the last 17 of them as a detective. Dan moved to Oregon in May of 2017 after retiring from the SDPD and was hired as an investigator for the Mental Health Regulatory Agency in October of 2018.

Celeste Jones, Psy.D., Board Member

Dr. Celeste Jones is an assistant professor of clinical psychology at George Fox University and a board-certified, licensed psychologist who specializes in working with children with Autism Spectrum Disorder and their families. She has been licensed in Oregon since 2011 and appointed to the Board on 9/28/18. Her research interests are in the broad areas of adversity and resilience in children and families, and in diversity populations. Jones also serves in state leadership, as chair of the Oregon Psychological Association Public Education Committee.
Jones holds doctorate and master's degrees in clinical psychology from George Fox's Graduate School of Clinical Psychology and a bachelor's degree in psychology from Oregon State University. Her board certification is with the American Board of Clinical Child and Adolescent Psychology. Additionally, Jones completed her post-doctoral fellowship at Oregon Health & Science University's Child Development and Rehabilitation Center, specializing in the evaluation and treatment of children with autism spectrum disorder and related disorders. Jones also completed an APA-accredited internship in clinical child and adolescent psychology at Children's Mercy Hospitals and Clinics in Kansas City, Missouri.

David Ziegler, Ph.D., Board Member

Dr. Dave Ziegler, Ph.D., LMFT, LPC is a licensed psychologist and Executive Director of Jasper Mountain, an agency in Jasper, Oregon that treats children and their families. He has been licensed in Oregon since 2000. Ziegler holds a doctorate degree in counseling psychology from the University of Oregon. He works as a therapist, clinical supervisor, trainer, expert witness and consultant to programs and states, as well as adults, children and their families over the last five decades. His current treatment program is internationally recognized for its innovation and success with the most difficult cases. Dr. Ziegler has numerous publications and has authored ten books. He has provided training and consultation throughout the United States as well as Canada, Australia, Iceland and New Zealand. He was appointed to the Board on 9/28/18 and also serves on the Board's Consumer Protection Committee. **Ψ**

Administrative Rulemaking: 2018 Overview

The Board filed the following Permanent Administrative Orders for rule amendments during 2018:

Resident supervision contract requirements; post-degree supervised work experience for psychology licensure. *Filed & effective March 12, 2018.*

Post-degree supervised work experience completed in Oregon on or after August 1, 2018 must be in a Board-approved resident supervision contract in order for the experience to qualify towards the one year of post-doctoral supervised work experience required for licensure. This means that work completed at an Oregon "exempt site" outside of a residency contract will no longer count towards the experience requirement for licensure. Post-doctoral supervised work experience completed prior to August 1, 2018 under exemption from ORS 675.010 to 675.150 but not in a Board approved Resident Supervision Contract may qualify towards the one year of post-doctoral supervised work experience required for licensure. The amendment requires that Record of Supervised Hours and Final Resident Evaluation report be provided to the Board within 30 days of the conclusion or termination of the contract. It also clarifies the title usage in exempt sites and the Board's authority to approve or reject residency contracts.

Grounds for disciplinary action. *Filed & effective August 1, 2018.*

This amendment to Oregon Administrative Rule (OAR) 858-020-0045 sets forth that failure to comply with terms of a Board order or cooperate with a Board investigation constitutes a violation of ORS 675.070(2) and is grounds for disciplinary action.

Note: the Board reviewed public comments received and voted at the July 13, 2018 meeting to not file the proposed amendment to OAR 858-020-0075, which would have changed the time to request a contested case hearing subsequent to the Board issuing a notice of proposed disciplinary action from 30 days of mailing of the notice to 21 days of the issuance of the notice. So, the time to request a hearing remains 30 days from the mailing of the notice.

There are no proposed rule amendments as of the date of this newsletter. Please visit our Administrative Rulemaking Webpage for more information on recent rulemaking actions. **Ψ**

Enforcement Actions

During the period of time from September 11, 2018 to January 10, 2019 the Board took the following actions:

Meredith A. Lubow, Ph.D. (Respondent), **STIPULATED ORDER**, effective 9/14/18. The Board found that Licensee's conduct violated ORS 675.070(2)(d)(A) Unprofessional Conduct, Ethical Standard (ES) 3.04 Avoiding Harm, and ES 3.09 Cooperation with Other Professionals. Licensee assumed duties as the Manager of Mental Health Services at a treatment center in Oregon. Part of her duties included providing supervision for several psychology residents, interns and practicum students. During the course of her duties in providing clinical supervision, Licensee created a hostile work environment for those she supervised (and in particular Subjects A, B, and C), by imposing arbitrary demands upon her supervisees, criticizing other licensed mental health care professionals that worked at the facility behind their backs, and fostering a culture of fear, accusation and distrust. On repeated occasions, Licensee communicated an attitude of contempt towards the client population in the presence of her supervisees, to include characterizing the clients of the facility in broad brush disparaging terms. Licensee was reprimanded, restricted from supervising any resident, intern or practicum student for a minimum of one year, ordered to practice under supervision for a minimum of one year, and to pay a civil penalty of $4,000.

(Enforcement Actions continued on next page)

Enforcement Actions (continued)

Erin C. Moran, Psy.D. (Respondent) **FINAL STIPULATED ORDER,** effective 9/14/18. The Board found that Licensee's conduct violated ORS 675.070(2)(d)(A) and ES 3.02 Sexual Harassment, as well as ES 3.08 Exploitative Relationships in that Licensee made verbal and physical advances to a sexually naïve client who presented with serious mental health disorders and a history of suicidal ideations, soliciting him on repeated occasions to engage in sexual acts with her while she exploited his vulnerabilities as a client relative to her position as a counselor and adult authority figure for her own prurient interests. She violated ES. 3.04 Avoiding Harm, by failing to avoid harming her client and to minimize harm by inviting him to engage in a sexual relationship with her, knowing his vulnerabilities, where it was foreseeable and unavoidable that engaging in this ongoing boundary violation would likely cause harm to the client. ES. 3.05 Multiple Relationships was violated when Licensee willfully entered into a multiple relationship with her client by conducting therapy sessions away from the clinical setting. These sessions included long walks with him, and initiating physical contact with him during clinical sessions and developing a personal relationship with him that could reasonably be expected to impair her objectivity, competence or effectiveness in performing her function as a psychologist, or otherwise risk exploitation or harm to her client. Licensee violated ES 10.05 Sexual Intimacies with a Current Therapy Client when she engaged in sexual intimacies with her client during the time period in which she met with him for therapy sessions. ES 10.08 Sexual Intimacies with a Former Therapy Client was violated when Licensee engaged in an intense sexual relationship with her client that continued from the day Licensee ceased to meet with him ostensibly for therapy. Erin C. Moran's license to practice psychology was revoked. Licensee was ordered to pay a civil penalty of $60,000 and is not prohibited from submitting an application for licensure two years.

Catherine M. Porter, Ph.D. (Respondent), **FINAL ORDER,** effective 9/14/18. Respondent is not licensed by the Board to practice psychology in the State of Oregon, and does not hold a license in any health care profession in the State of Oregon. The Board found that Respondent represented to the public that she practiced psychology and offered therapy services to individuals for the purpose of diagnosing, or treating behavioral, emotional or mental disorders without an appropriate license, in violation of ORS 675.020(1)(a) and (b) by engaging in the unlicensed practice of psychology in Oregon. Respondent was ordered to pay a civil penalty of $2,500.

Douglas A. Col, Ph.D. (Licensee), **STIPULATED ORDER**, effective 11/8/18. The Board found that Licensee violated 675.070(2)(d)(A) Unprofessional Conduct, ES. 2.01 Boundaries of Competence, and ES 3.04 Avoiding Harm. Client A, with a history of major depression and Bipolar I Disorder, presented to Licensee seeking therapy. Licensee diagnosed Bipolar I Disorder with psychotic features. During clinical sessions, Licensee was critical of the medications Client A was taking and provided specific recommendations to Client A regarding his psychotropic medications in regard to dosage and the need for particular medications, which exceeded his scope of practice as a psychologist. During a clinical session, Licensee told Client A to: "Shut up… I'm the therapist." Licensee was ordered to pay a civil penalty of $1,000 and required to practice for a minimum of one year under a psychologist supervisor.

Catherine deCampos, Psy.D. (Licensee), **DEFAULT ORDER**, effective 11/9/18. The Board found that Licensee violated ORS 675.070(2)(d)(A) when she failed to confirm that a supervisee's residency contract had been approved prior to allowing her to begin work as a post-doctoral resident and to engage in the unlicensed practice of psychology. In violation of ES 3.04, she failed to exercise due diligence to ensure that the residency contract had been approved by the Board before allowing Supervisee to provide psychological services to clients, which constituted the unlicensed practice of psychology. ES 3.09 was violated by failing to ensure that Supervisee had a Board approved residency contract before authorizing Supervisee to engage in the practice of psychology under the auspices of an approved resident contract. Licensee violated OAR 858-010-0036(2)(a) when she allowed Supervisee to work with the expectation that she would receive work experience credit, when Board rules require that in order to receive postdoctoral supervised work experience, a candidate for licensure must be in a Board approved Resident Supervision Contract. Licensee was reprimanded and ordered to pay a civil penalty of $1,000. Ψ

Upcoming Events (2019)

January
1/1: Office Closed for New Year's Day
1/4: **Oregon Jurisprudence Examination***
1/11: **Board Meeting**
1/21: Office Closed for Martin Luther King Jr. Day

February
2/1: **Oregon Jurisprudence Examination***
2/15: Education Committee Meeting
2/18: Office Closed for Presidents Day
2/21: Consumer Protection Committee

March
3/1: **Oregon Jurisprudence Examination***
3/8: **Board Meeting**
3/15: Education Committee Meeting

April
4/5: **Oregon Jurisprudence Examination***
4/18: Consumer Protection Committee Meeting
4/19: Education Committee Meeting

May
5/3: **Oregon Jurisprudence Examination***
5/10: **Board Meeting**
5/17: Education Committee Meeting
5/27: Office Closed for Memorial Day

June
6/7: **Oregon Jurisprudence Examination***
6/20: Consumer Protection Committee Meeting
6/21: Education Committee Meeting

July
7/4: Office Closed for Independence Day
7/11: **Oregon Jurisprudence Examination***
7/12: **Board Meeting**
7/19: Education Committee Meeting

August
8/2: **Oregon Jurisprudence Examination***
8/15: Consumer Protection Committee Meeting
8/16: Education Committee Meeting

September
9/2: Office Closed for Labor Day
9/6: **Oregon Jurisprudence Examination***
9/13: **Board Meeting**
9/20: Education Committee Meeting

October
10/4: **Oregon Jurisprudence Examination***
10/17: Consumer Protection Committee Meeting
10/18: Education Committee Meeting

November
11/1: **Oregon Jurisprudence Examination***
11/8: **Board Meeting**
11/9: **Board's Strategic Planning Session**
11/11: Office Closed for Veterans Day
11/15: Education Committee Meeting
11/28-30: Office Closed for Thanksgiving

December
12/6: **Oregon Jurisprudence Examination***
12/19: Consumer Protection Committee Meeting
12/20: Education Committee Meeting
12/25: Office Closed for Christmas Day Ψ

Committees

Consumer Protection Committee
Third Thursday (even months), 8:00am

Education Committee
Third Friday, 10:00am

Committee meetings are tentatively scheduled each month. Ψ

Reminder! *Please make sure to update your email address if it changes so that you continue to receive correspondence. Notify us right away- but not more than 30 days- of any change in your contact information.*

Please use our Contact Information Change Form Ψ

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

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