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## Director's Update

Greetings everyone, and a Happy New Year wish for all of you as we start off 2023. As we close out 2022, I wish to highlight some of the highlights of the past year. For the MHRA staff and I, this was a whirlwind year and as I look back in review, I can see why. First, we continue to see growth among our licensee base. As we closed out the year, 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.

In June of 2021 we learned that the Oregon State Legislature tasked the MHRA, through Section 266 of House Bill 5006 (2021), with conducting a diversity study, so we immediately began the work of soliciting a third-party consultant. The Legislature allocated \$300,000 from General Funds to pay for this work, and after working with our state procurement partner OregonBuys, we began the public RFP (Request for Proposal) process and signed a contract on 6-2-22 with Keen Independent Research, LLC, headquartered out of Phoenix, Arizona. This project was a huge undertaking by MHRA which involved all Board members from BLPCT and BOP. Keen completed their work on 12-16-22 and we were able to submit the completed project to the appropriate legislative committees on 12-28-22, three days ahead of the legislative deadline of 12-31-22. The final diversity study report along with MHRA's response was posted on both Boards' websites on 12-28-22 for public and stakeholder viewing, and I encourage everyone to read the Keen report along with MHRA's response.

- Diversity Study- completed by Keen Independent Research, LLC (12-16-22)
- Written Report- completed by MHRA (12-28-22)
- Project Chart- MHRA's Gantt chart showing project details



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## Director's Update, Cont.

This Newsletter contains a summary of rulemaking actions for both the BLPCT and the BOP. The summary gives an overview of rules that were adopted, amended, or repealed during the 2022 calendar year for both the BLPCT and the BOP.

All-in-all, I feel that MHRA accomplished a lot of work during 2022, in spite of still dealing with the COVID pandemic and the ongoing challenges that this presents. I want to give a big and well-deserved shout-out and **THANK YOU** to all of our hardworking staff, volunteer Board Members, and stakeholders that keep MHRA functioning at a high level!

—Charles Hill, Executive Director, Mental Health Regulatory Agency

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

## Enforcement Actions

During the period of time from October 12, 2022, to January 6, 2023, the Board took the following actions:

**Jennifer Hightower, Ph.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. Licensee's license is currently on inactive status. Licensee worked at a Veterans' Administration medical center, at a minimum in 2019 and 2020. Licensee conducted her practice in a way contrary to the recognized standards of practice when she failed to provide consultation services to vulnerable patients, including failing to follow up or schedule appointments with patients whom she was assigned to provide necessary services. Licensee violated Ethical Standards (ORS 675.070(2)(d) (A) Unprofessional conduct and ORS 675.070(2)(h). Licensee is required to practice under supervision for a minimum of one (1) year and pay a civil penalty of \$2000. However, the sanctions are stayed until such date as Licensee returns her license to active or semi-active status.

**Christopher K.S. Smith, Psy.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. Licensee was initially licensed by the Board to practice psychology in Oregon on April 17, 2019. On January 13, 2022, the Board emailed Licensee to notify him that his license was due to be renewed on February 28, 2022. Licensee failed to renew his license by that date. After February 28, 2022, and until March 30, 2022, Licensee could have filed for late renewal, but did not. On March 30, 2022, his license expired. On April 3, 2022, the Board emailed Licensee to notify him that his license had expired and that he could seek reinstatement up until 60 days from February 28, 2022 -that is, by April 29, 2022. On April 4, 2022, Licensee submitted a reinstatement application, which was approved by the Board on May 17, 2022. In his reinstatement application, Licensee disclosed that he had provided therapy to three clients after his license expired. Licensee subsequently reported to the Board that he ceased practice upon realizing on April 3, 2022, that his license had expired. Licensee violated ORS 675.020(1)(a) and ORS 675.070(2)(h). Licensee is ordered to pay a civil penalty of \$500.

## Summary of 2022 Rulemaking

### BLPCT 2022 Rulemaking Actions

Description of Rulemaking	Action taken	Rule numbers
Compliance with the Oregon Health Authority's COVID-19 requirements; AG model rule adoption. Filed: 2/7/22 Effective: 2/7/22	Amended	833-001-0005
	Adopted	833-110-0042
Suicide risk continuing education requirement. Filed: 2/7/22 Effective: 7/1/22	Amended	833-080-0011
Adding Oregon Health Authority's Health Care Interpreter Registry requirements Filed: 8/8/22 Effective: 8/8/22	Adopted	833-110-0051

### BOP 2022 Rulemaking Actions

Description of Rulemaking	Action taken	Rule numbers
Amendments to residency and internship in-person supervision requirements, procedural rules, AG model rule adoption. Filed: 1/19/22 Effective: 1/19/22	Repealed	858-020-0205
	Amended	858-010-0005 858-010-0013 858-010-0036
Compliance with the Oregon Health Authority's COVID-19 requirements. Filed: 3/14/22 Effective: 3/14/22	Adopted	858-020-0116
Application approval process and Board ordered conditions. Filed: 5/13/22 Effective: 5/13/22	Amended	858-010-0020
Adding Oregon Health Authority's Health Care Interpreter Registry requirements. Filed: 7/11/22 Effective: 7/11/22	Adopted	858-010-0300
License renewal, failure to renew, lapse, and reinstatement. Filed: 9/13/22 Effective: 9/13/22	Amended	858-010-0041

## 2023 Legislative Session

Here are some bills to watch during this 2023 Legislative Session, which officially began on January 17, 2023:

- [Senate Bill 325](#) & [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. This was previously introduced in 2022 as [SB 1512](#), but did not pass.
- [House Bill 2458](#)- Expands ORS 675.850 to prohibit all practice of conversion therapy, not just for recipients under the age of 18.
- [House Bill 2540](#)- Establishes a new nine-member Board of Behavioral Health under MHRA that licenses bachelor's level child behavioral health specialists.
- [House Bill 2545](#)- Requires health insurance reimbursement of cost of behavioral health care services provided by master's degree level students under clinical supervision.
- [House Bill 2626](#)- Adds licensed mental health professionals, including psychologists, to the types of providers eligible for a tax credit allowed to rural medical care providers.

This is provided for informational purposes only. Please note that these are not the Board's bills. The Board cannot answer questions about the 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.

## Representing Your Credentials

*The author is currently a member of the Oregon Board of Psychology (OBOP). This article represents his personal views and is not a statement from or on behalf of OBOP.*

### **How You Represent Yourself to the Public is Important**

The general public relies on professionals to represent themselves accurately in service fields such as medicine, financial services, legal services and especially in psychology. Not all professionals in psychology work in the mental health field. From time to time, the Board is asked to investigate individuals who advertise or practice non-therapeutic fields of psychology such as sports psychology, industrial psychology and health psychology. Because the Board has the primary responsibility to protect the public, the Board is typically less concerned when someone with an advanced degree and professional experience in a non-therapeutic area of psychology operates a business in a non-therapeutic area and accurately represents this to the public in a manner that is consistent with ORS 675.020. However, how professionals represent themselves is important in two ways: 1. Despite education and experience, such professionals cannot use the term "psychologist" or purport to or practice "psychology"; and 2. Unless holding an active or semi-active license, they cannot offer "psychotherapy" or any form of "psychological" intervention of a mental health nature. For example, it is unlikely that the Board will take enforcement action against someone with a master's degree in sports psychology who offers coaching services to improve athletic performance. However, if the same person offers to treat conditions such as depression, anxiety, or post-traumatic stress disorder, it is likely that the Board would determine that enforcement action was warranted.

## Representing Your Credentials, Cont.

### Attention All Oregon Licensed Psychologists!

You worked hard to become a licensed psychologist, so don't make a common mistake that will put you on the wrong side of Oregon Administrative Rule (OAR) 858-010-0062. If you have been reading this newsletter over time, you will recall multiple articles on this subject (2011, 2017, 2020). To quote directly from the section 3 of the OAR, "The Board does not issue specialty licenses. Licensees must not use false designations such as 'licensed clinical psychologist' or 'licensed forensic psychologist associate' in reference to their Oregon license." Despite repeated reminders to the professional community, this unauthorized practice unfortunately continues. The Board will be taking additional steps to bring this to the attention of all licensees. You can avoid hearing from the Board on this issue by reviewing your webpage, your stationary, your signature line, and your business cards. If any of these add a specialization to your representing yourself as a "licensed psychologist," remove the specialization. If you have the proper credentials, you may still represent yourself as a "clinical psychologist" or "forensic psychologist," but do not represent that you are licensed in these specializations.

*PLEASE NOTE: 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 article 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*

- David Ziegler, Ph.D., Licensed Psychologist

## Upcoming Events

### February

2/16: Consumer Protection Committee Meeting  
2/17: Education Committee Meeting  
2/20: Office Closed for President's Day

### March:

3/10: Board Meeting  
3/17: Education Committee Meeting

### 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

**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](http://Oregon.gov/psychology), email, or contact us with any comments or suggestions.

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