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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858  
**MENTAL HEALTH REGULATORY AGENCY**  
**OREGON BOARD OF PSYCHOLOGY**

**FILED**  
03/20/2026 12:47 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Update terms, application representations, examination failures, residency requirements, investigation process, and fee refunds.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2026 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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**NEED FOR THE RULE(S)**

The Board determined that it needs to update outdated language to be clearer to the public. It is reconsidering its policies to automatically deny a licensure application after a third exam failure, and to automatically assess a minimum \$200 civil penalty when applicants fail to disclose an arrest or conviction so that it has discretion to impose a lesser or no penalty. The post-doctoral residency requirements need clarification around duration, supervision, and the Board's authority to take remedial action when there are competency concerns. It was also determined that further discretion would allow notice and investigation processes to run more efficiently and effectively.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

OAR Chapter 858 and ORS Chapter 675 are available on the OBOP website at <https://www.oregon.gov/Psychology/Pages/LawsRules.aspx>.

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

These rule changes are not expected to affect racial equity in the state. The Board is pursuing changes that add clarity and provide additional discretion, which may but is not guaranteed to improve access and allow the Board flexibility to account for context and address inequities. On the other hand, flexibility may lower consistency, allowing for personal judgment and potential implicit bias.

**FISCAL AND ECONOMIC IMPACT:**

No significant impact expected. Applicants who fail exams three times or more will no longer need to pay additional application related fees due to application denial or experience other impacts related to licensure delays. Applicants who fail to disclose criminal history will not automatically be assessed a minimum \$200 penalty.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None. Businesses are not subject to this rule. The Board will absorb any minimal costs required to implement these changes within its current staffing levels and budgeted resources.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not explicitly involved.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rule amendments/adoption were openly discussed during the March 13, 2026 public session board meeting where members of the public were invited to address the Board during a public forum. The rule language is uncomplicated. The Board did not determine that an additional committee beyond the Board and its staff was necessary to develop the rules.

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RULES PROPOSED:

858-010-0018, 858-010-0020, 858-010-0025, 858-010-0030, 858-010-0036, 858-020-0045, 858-020-0096, 858-030-0010

AMEND: 858-010-0018

RULE SUMMARY: Updates terms.

CHANGES TO RULE:

858-010-0018

Investigatory Powers ¶

(1) Additional Investigation. The Board shall not be limited in its investigation of an applicant's qualifications for licensure to the information supplied in the licensure application form and may direct additional investigation with respect to an applicant's qualifications prior to deciding whether or not the applicant is eligible to take the EPPP or the Jurisprudence examination or enter into a residency contract.¶

(2) Record of Complaints. The Board shall review the Board's records of complaints and insert any reference to an applicant in the applicant's file.¶

(3) State and National Databanks. The Board shall also make inquiry, if appropriate, of other state, national or foreign certification or licensure boards, the National Practitioner Databank (NPDB-~~NIPDB~~), the Association of State and Provincial Psychology Boards' Disciplinary Databank, or Oregon Judicial Case Information Network (OJCIN) for relevant information.

Statutory/Other Authority: ORS 675.040, 675.045, 675.050

Statutes/Other Implemented: ORS 675.040, 675.045, 675.050

AMEND: 858-010-0020

RULE SUMMARY: Removes minimum \$200 civil penalty for applicant failure to disclose an arrest or conviction.

CHANGES TO RULE:

858-010-0020

Process and Disposition of Application for License ¶¶

(1) Application Review Procedure. When the application and all of the required supporting documents have been received, the application file shall be reviewed for eligibility. The reviewer shall either:¶¶

(a) Approve the application. When the reviewer determines the application is complete, a letter of approval shall be sent notifying the applicant of eligibility to take the EPPP and the Jurisprudence examination and to enter into a Resident Supervision Contract.¶¶

(b) Deny the application. If the application is denied, the reviewer shall send the applicant a letter stating the reason.¶¶

(c) Board review. Under unusual circumstances, the application will be reviewed by the full Board for determination of disposition.¶¶

(d) Incomplete Application. If the application is incomplete, the reviewer shall notify the applicant.¶¶

(e) Request for Review. Applicants for licensure may request, in writing, that any decision by the reviewer be reconsidered by the Board.¶¶

(2) Active Application Period.¶¶

(a) An incomplete application is missing one or more of the items required under the applicable application procedure of OAR 858-010-0016 or 858-010-0017. The Board shall maintain an incomplete application file for one year from the date the application was received.¶¶

(b) A complete application has been approved by the reviewer, but the candidate for licensure has not completed the remaining requirements for licensure: the post-degree supervised work experience, the EPPP, and/or the Oregon Jurisprudence Exam. The Board shall maintain a complete application file for two years from the date the application was approved.¶¶

(c) A file shall be presumed inactive and archived if correspondence from the Board is returned by the post office for reasons other than post office error.¶¶

(3) The Board may extend the active application period upon written request of the applicant, which must be received or postmarked prior to the expiration date. Failure to receive a courtesy reminder notice from the Board shall not relieve an applicant of the responsibility to timely request an extension.¶¶

(4) Reapplication. If an application for licensure has been denied by the Board for any reason, the Board will not review a second application until at least one year has elapsed from the date of the previous denial.¶¶

(5) Information Changes. An applicant must notify the Board immediately if any information submitted on the application changes, including but not limited to: name; address, email address, and telephone number; complaints; disciplinary actions; and, civil, criminal, or ethical charges and employment investigations which lead to termination or resignation. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.¶¶

(6) Applicants must not make omissions or false, misleading or deceptive statements on any Board application form. Failure to disclose an arrest or conviction is a violation of ORS 675.070(2)(d) and (f) and ~~will result in a \$200 civil penalty for each violation. Applicants may also be subject to further~~ may result in disciplinary action by the Board.

Statutory/Other Authority: ORS 675.040, 675.045, 675.050, 675.070

Statutes/Other Implemented: ORS 675.040(1)(2)(3), 675.045(1)(2)(a)(b), 675.050(1)(a)(b)(2), 675.045, 675.050, 675.070

AMEND: 858-010-0025

RULE SUMMARY: Removes automatic application denial for licensure candidates that fail the national written examination for a third time.

CHANGES TO RULE:

858-010-0025

Procedure for National Written Examination ¶¶

(1) The Board shall utilize the Examination for Professional Practice in Psychology (EPPP) as the national written exam.¶

(a) Candidates for licensure who are prepared to take the EPPP must submit a written request to the Board.¶

(b) Candidates for licensure who have taken the EPPP prior to April 20, 1990, must have passed the examination by achieving a score at or above the national mean of doctoral candidates taking the examination for the first time on that day. Candidates who have taken the EPPP prior to April 1993 must have passed the examination by achieving a score at or above the national mean of doctoral candidates taking the examination for the first time on that day or 75 percent, whichever is lower. The passing score for the EPPP from April 1993 to April 2001 shall be 140 or 70 percent. For computer administered forms of the EPPP, the Board requires a scaled score of 500.¶

(c) Special Accommodations. The Board shall review a request for special accommodations for a verified disability or for English as a second language Language Learners upon written request by the candidate as described in OAR 858-010-0030(5).¶

(2) Re-examination. Any candidate who fails to achieve a passing score on the EPPP shall be allowed to take the examination a second time. If the examination is failed twice a second time, the candidate must submit a written study plan for the Board to review and approve. ~~If a candidate fails to pass a third examination, the candidate's application for licensure shall be denied for each subsequent re-examination.~~

Statutory/Other Authority: ORS 675.040, 675.045

Statutes/Other Implemented: ORS 675.040, 675.045

AMEND: 858-010-0030

RULE SUMMARY: Removes automatic application denial for licensure candidates that fail the jurisprudence examination for a third time.

CHANGES TO RULE:

858-010-0030

Procedures for Oregon Jurisprudence Examination ¶¶

- (1) Jurisprudence Examination. The purpose of the examination is to measure the candidate's knowledge and application of state laws and regulations related to the professional practice of psychology, including the American Psychological Association's ethical principles incorporated by Board statute and rule.¶¶
- (2) Eligibility. An exam candidate must obtain a passing exam score before the Board will issue a license.¶¶
- (a) Candidates for licensure whose education credentials, training and references have been accepted by the Board shall be notified in writing of their eligibility take the jurisprudence examination.¶¶
- (b) A candidate for licensure who was formerly licensed in Oregon must re-take and pass the examination if their application for licensure is received more than 2 years after their license expired.¶¶
- (c) A candidate for licensure must re-take and pass the examination if the candidate does not become licensed within 2 years of passing the exam.¶¶
- (3) Eligible candidates prepared to take the jurisprudence examination must pay the examination fee prior to taking the exam. The jurisprudence examination fee is not refundable except in extraordinary circumstances.¶¶
- (4) Special Accommodations. Requests for special accommodations for a disability or for English as a second language language learners must be made at the time the written request to sit for the examination is made, or when the disability becomes known to the applicant. The request must include:¶¶
- (a) Disability: Written verification of the disability from a qualified care provider (i.e. a person certified or licensed by the state to provide such services) detailing:¶¶
- (A) Nature, extent and duration of disability; and¶¶
- (B) Recommendation(s) for accommodation.¶¶
- (b) English as a Second Language Language Learners: Written request for reasonable accommodation detailing:¶¶
- (A) Level of proficiency in English including, but not limited to, number of years speaking and/or writing English;¶¶
- (B) History of special accommodations granted in similar testing circumstances;¶¶
- (C) Other information to support request for special accommodation; and¶¶
- (D) Recommendation(s) for accommodation.¶¶
- (5) Administration.¶¶
- (a) The Board shall determine the questions on each examination and shall determine the passing score.¶¶
- (b) The Board shall make available to exam candidates a Candidate Handbook that includes a copy of the Board's examination rules, procedures, Board requirements related to examination conduct, and current examination study materials.¶¶
- (c) Disqualification. An exam candidate may be disqualified during or after the examination for conduct which affects the integrity of the candidate's performance or the examination. Disqualification will result in denial of the candidate's application.¶¶
- (d) Exam candidates will be notified of their examination result.¶¶
- (6) Failure to Pass.¶¶
- (a) Review. A candidate who does not pass the examination may review the examination record of incorrect questions and answers at the Board's office within a period of ninety days following the date of the examination and upon written request to the Board. The purpose of the review is to assist the candidate prepare to retake the examination. No more than one review shall be allowed.¶¶
- (b) Reexamination. A candidate who does not pass the examination may be reexamined following a mandatory waiting period of 30 days following each failure to allow the candidate to sufficiently prepare for a reexamination.¶¶
- (c) Study Plan. If a candidate does not pass the second examination and wishes to take a third examination, the candidate must submit a study plan for the Board's review and approval prior to sitting for the third examination.¶¶
- ~~(d) Third Failure. If a candidate fails to pass the third examination, the candidate's application for licensure shall be denied or any subsequent re-examination.~~

Statutory/Other Authority: ORS 675.030, 675.040, 675.045, 675.050, 675.065

Statutes/Other Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065

AMEND: 858-010-0036

RULE SUMMARY: Adds clarifications to post-doctoral supervised work experience requirements and Board discretion to take action to address residency concerns.

CHANGES TO RULE:

858-010-0036

Post-Doctoral Supervised Work Experience ¶¶

- (1) Policy. One year of post-doctoral supervised work experience is required for licensure. The required work experience must take place after the doctorate degree is conferred.¶¶
- (a) One year of supervised work experience is defined as psychological services performed over a period not less than ~~twelve months~~ 12 months. The 12 months must include at least 50 total weeks during which psychological services were performed in accordance with this rule.¶¶
- (b) Psychological services are defined as direct psychological services to an individual or group; diagnosis and assessment; completing documentation related to services provided; client needs meetings and consultation; psychological testing; research related to client services; report writing; and receiving formal training including workshops and conferences.¶¶
- (c) For the purposes of licensure, psychological services do not include business development; credentialing activities; marketing; purchasing; creating forms; administrative billing or other business management activities.¶¶
- (d) A person with a doctoral degree in psychology who is employed at an "exempt site" pursuant to ORS 675.090(f) may practice psychology without a license for no more than 24 months from the time they begin practicing at an exempt site. The 24-month time limit does not restart if the person ceases practicing and then begins again, and does not reset if the person begins working at a different exempt site. The person may not use any title incorporating the word "psychologist."¶¶
- (2) The following shall be used by the Board to define supervised work experience.¶¶
- (a) Unless licensed under or exempted from ORS 675.010 to 675.150, in order to practice psychology in Oregon, a person must be in a Board approved Resident Supervision Contract.¶¶
- (A) 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.¶¶
- (B) Effective for post-doctoral supervised work experience completed in Oregon on or after August 1, 2018, the experience must be completed in a Board approved Resident Supervision Contract to qualify for licensure. Experience that is not completed under a Board approved Resident Supervision Contract shall not qualify towards the one year of post-doctoral supervised work experience required for licensure.¶¶
- (b) Work experience completed in Oregon must be performed under the supervision of an Oregon licensed psychologist who has been licensed for at least two years in Oregon or by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards based on a doctoral degree (or a combination thereof).¶¶
- (c) To receive supervised work experience credit from other jurisdictions, the experience must be a formal arrangement under the supervision of a psychologist who possesses an active license to practice psychology issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards based on a doctoral degree.¶¶
- (d) The supervisor is not required to be working on-site with the resident.¶¶
- (e) Frequency. Work experience completed in Oregon, or in another jurisdiction by an endorsement applicant licensed fewer than 5 years as described in OAR 858-010-0017(2)(c), must meet the following requirements:¶¶
- (A) If a resident works 1-20 hours in a week, the resident must receive at least one hour of individual one-on-one supervision during that week.¶¶
- (B) If a resident works more than 20 hours in a week, the resident must receive at least two hours of supervision during that week. One hour must be individual and one hour may be group supervision. Group supervision must be:¶¶
- (i) A formal and on-going group of at least three mental health professionals;¶¶
- (ii) Facilitated by a licensed psychologist; and¶¶
- (iii) Approved by the resident's supervisor.¶¶
- (C) On a non-routine basis, in the absence of the primary supervisor, individual one-on-one or group supervision hours may be delayed up to 14 days to accommodate vacations, illness, travel or inclement weather.¶¶
- (D) Individual and group supervision must be conducted:¶¶
- (i) In-person in a professional setting; or¶¶
- (ii) Through live, synchronous confidential electronic communications.¶¶

- (E) If a resident's work in a particular week does not comply with these requirements, then it may not be counted towards the supervised work experience requirement.¶
- (f) Duration/Hours. Work experience completed in Oregon, or in another jurisdiction by an endorsement applicant licensed fewer than 5 years as described in OAR 858-010-0017(2)(c), must include a minimum of 1,500 hours of supervised psychological services.¶
- (3) Oregon Residency. Candidates for licensure who have not met the post-doctoral supervised work experience requirement shall be eligible to enter into a Resident Supervision Contract as described in subsection (2)(a) of this rule.¶
- (a) The Board has discretion to ~~a:~~¶
- ~~(A) Approve or reject a proposed Resident Supervision Contract or to rescind a previously approved contract. Resident status shall begin the date the Board approves the Resident Supervision Contract;¶~~
- ~~(B) Rescind a previously approved contract;¶~~
- ~~(C) Take remedial action to address concerns about a resident, including increasing the required residency duration or number of supervised psychological service hours required for licensure or requiring additional supervision or training;¶~~
- ~~(D) Reject residency duration or hours that were not accrued in accordance with this rule or were evaluated unsatisfactorily by the resident's supervisor; or¶~~
- ~~(E) Deny a resident's licensure application.¶~~
- (b) Resident status shall begin the date the Board approves the Resident Supervision Contract. The Board must approve any change in primary or associate supervisor or residency site before the resident begins practice under the new supervisor or at the new site.¶
- ~~(b)c) Duration.~~ The resident status is a transitional step toward licensure and is not intended as a means to avoid licensure. A Resident Supervision Contract shall be effective for a period not to exceed two years from the date of Board approval. The Board may extend the contract beyond two years for good cause upon a written request from the resident and the supervisor prior to the expiration of the contract. Failure to receive a courtesy reminder notice from the Board shall not relieve the resident of the responsibility to timely request an extension.¶
- ~~(ed) Termination of a Resident Supervision Contract will be granted by the Board at the written request of the supervisor or the resident. The termination shall be effective at the time the Board approves the request in writing, or on the date indicated by the supervisor in the final residency evaluation, whichever is later.¶~~
- ~~(de) If the supervisor is to be paid for supervision payment must be in the form of a per-hour fee.¶~~
- ~~(ef) Supervision of more than three residents concurrently shall require prior approval by the Board.¶~~
- (4) Resident's Responsibilities. The resident's conduct must conform to the following standards:¶
- (a) Title. The resident must be designated at all times by the title "psychologist resident." All signed materials, letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation must include the individual's title as "psychologist resident" and the supervisor's name and designation "supervisor."¶
- (b) Scope of Practice. The resident will only offer services in those areas that the supervisor is competent.¶
- (c) Nature of Supervision. The resident must obtain frequent and regular supervision meetings throughout the duration of the Resident Supervision Contract. The resident must provide the supervisor with a periodic evaluation of all cases and psychological activities in which the resident is engaged. The resident's practice must comply with Oregon laws and administrative rules.¶
- (d) Confidentiality. The resident must advise all clients orally and in their informed consent policy that the supervisor may have access to all information and material relevant to the client's case.¶
- (e) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract.¶
- (f) The resident must discuss with their supervisor the Supervisor Evaluation Report at the conclusion or termination of the Resident Supervision Contract.¶
- (g) The resident must submit to the Board a Record of Supervised Hours form within 30 days of the conclusion or termination of the Resident Supervision Contract.¶
- (5) The supervisor's responsibilities are:¶
- (a) Review, supervise and evaluate representative and problem cases with attention to diagnostic evaluation, treatment planning, ongoing case management, emergency intervention, recordkeeping and termination;¶
- (b) Countersign all psychological reports and professional correspondence produced by the resident; and ensure that letterhead, business cards, telephone directory listings, internet postings, brochures, insurance billing and any other public or private representation includes the appropriate title of "psychologist resident" or "psychologist associate resident" and the supervisor's name and designation as "supervisor." Client progress notes do not need to be co-signed by the supervisor.¶
- (c) Review with the resident, Oregon laws and administrative rules related to the practice of psychology, including the current APA "Ethical Principles of Psychologists and Code of Conduct," professional relationships and

referrals, protection of records, billing practices, recordkeeping and report writing;¶

(d) Assist the ~~psychologist~~ resident in developing a plan to prepare for the national written exam and the Oregon jurisprudence examination;¶

(e) Promptly communicate to the Board any professional or ethical concerns regarding the resident's conduct or performance;¶

(f) Notify the Board within fourteen days and explain any significant interruption or expected termination of the Resident Supervision Contract;¶

(g) Ensure that the resident has access to supervision by ~~telephone~~ electronic means to discuss urgent matters, if the supervisor is unavailable during a period not to exceed fourteen days;¶

(h) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request;¶

(i) Provide the Board with an interim Resident Evaluation Report upon request; and¶

(j) Provide the Board with a final Resident Evaluation Report within 30 days of the conclusion or termination of the Resident Supervision Contract.¶

(6) Associate Supervisor. Any individual supervision of the resident by a person other than the primary supervisor must be identified in the Resident Contract and approved by the Board.¶

(a) The associate supervisor is responsible for providing supervision as described in section (5) of this rule in the event that the primary supervisor is unavailable for any reason; and¶

(b) The associate supervisor is responsible for reporting professional or ethical concerns regarding the resident's conduct or performance to the primary supervisor and the Board.

Statutory/Other Authority: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110

Statutes/Other Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110

AMEND: 858-020-0045

RULE SUMMARY: Amends process for notification of investigation to supervisors and investigator method of seeking guidance. Clarifies that cooperation with a Board investigation includes sending other requested documents and that witness interviews are conducted as necessary. Describes possible Board actions in the event of resident investigation or report of ethical concerns by supervisor.

CHANGES TO RULE:

858-020-0045

Notice and Investigation Process ¶¶

(1) Notice to Respondent. The Board's Executive Director or designee shall notify the respondent by letter when a complaint is filed, or an investigation has been initiated, into respondent's conduct or practice. The notice letter shall provide respondent with a citation to the laws and regulations that apply to the investigation. The notice letter shall also set out the general allegations to be investigated. The investigator may modify the scope of the investigation as needed.¶¶

(2) Notice to Supervisors. When a complaint is filed against an individual acting under the supervision of a licensed psychologist, the supervising psychologist(s) ~~shall~~ may be notified ~~that~~ about any investigation into the conduct of the supervisee that may affect the licensure of the supervisor(s). The Board may open a companion investigation naming the supervisor(s).¶¶

(3) Purpose of Investigation. The purpose of the investigation shall be to determine whether sufficient credible evidence exists of violation of rules or laws administered by the Board to justify issuance of a ~~N~~ notice of intent to ~~impose~~ sanctions against a respondent or such other action as the circumstances may warrant.¶¶

(4) Scope of Investigation. The investigator ~~shall~~ may seek guidance as appropriate and necessary from individual Board members, the full Board, agency legal counsel, ~~and the Board's Executive Director.~~ If the Board decides to operate with a, and the Consumer Protection Committee structure, that committee shall serve as the primary source of guidance for the investigator if the Board decides to operate with that structure.¶¶

(5) Cooperation. Failure by respondent to cooperate with a board investigation constitutes unprofessional conduct per ORS 675.070(2), and is grounds for disciplinary action.¶¶

(a) Cooperation by respondent includes:¶¶

(A) Submitting client records to the Board's investigator, with or without a signed release by the client, for a full investigation of the allegations presented in the notice letter;¶¶

(B) Sending a complete case file or other requested documents to the Board's investigator;¶¶

(C) Being available for a personal interview with the Board's investigator; and¶¶

(D) Responding truthfully and accurately to all questions presented by the Board's investigator.¶¶

(b) To cooperate with an investigation, respondents may not:¶¶

(A) Use threats or harassment to delay or obstruct any person in providing evidence in any investigation, contested case, or other legal action instituted by the Board;¶¶

(B) Use threats or harassment to obstruct or delay the Board in carrying out its regulatory functions;¶¶

(C) Deceive or attempt to deceive the Board with respect to any matter under investigation including altering or destroying any records;¶¶

(D) Attempt to influence the testimony or participation in an investigation of any person believed to be a complainant or witness in a Board investigation, or to permit or encourage another person to do so; or¶¶

(E) Engage in retaliation against another person for their participation in a Board investigation or provision of information to the Board.¶¶

(6) Duty of the Investigator. The investigator shall collect evidence, interview witnesses as necessary, and make a written report to the Board.¶¶

(7) The Board may delay approving a licensure application, renewing a license, or issuing an initial license, limited permit, or temporary practice authorization if the person has a complaint under investigation until the complaint has been resolved.¶¶

(8) Licensees, applicants, and persons granted a limited permit or temporary practice authorization must comply with the terms of all Board orders and agreements.¶¶

(a) Failure to comply with one or more terms of a Board order or agreement constitutes a violation of ORS 675.070(2)(h) and is grounds for disciplinary action.¶¶

(b) The Board will not approve any license renewal or request to reactivate a license from inactive status to active or semi-active status if the licensee is not in compliance with one or more terms of any Board order or agreement.¶¶

(9) If a resident is the subject of an investigation or a report pursuant to OAR 858-010-0036(5)(e), the Board may

take any or all of the following actions, in addition to or instead of any other disciplinary action the Board is otherwise authorized to take:

(a) Identify a new supervisor to work with the resident:

(b) Extend the period of residency by a specified number of hours or months:

(c) Require the resident to consult with the resident's supervisor about a particular topic or topics:

(d) Require additional training for the resident:

(e) Place the residency on hold; or

(f) Deny the resident a license.

Statutory/Other Authority: ORS 675.020, ~~ORS 675.110~~~~30~~, ~~ORS 675.070~~, ~~675.110~~

Statutes/Other Implemented: ORS 675.020, 675.030, 675.070, 675.110

ADOPT: 858-020-0096

RULE SUMMARY: Prohibits licensees, residents, temporary practitioners, and applicants from making misrepresentations to the Board or allowing third parties to submit responses to Board forms on their behalf. Sets forth that failure to comply violates statute and may be grounds for sanction.

CHANGES TO RULE:

858-020-0096

Representations to the Board

(1) Policy. To carry out its public protection mandate, the Board must ensure the accuracy, integrity, and authenticity of its processes and the information it receives and relies upon to make decisions. This rule applies to all licensees, residents, temporary practitioners, and applicants; (collectively, "subjects").¶

(2) Subjects must not make any omission or false, misleading, or deceptive statement on any correspondence or form submitted to the Board.¶

(3) Subjects must not authorize, direct, or permit any third party to submit substantive responses to any Board form, including applications and renewals, on behalf of the subject.¶

(4) Subjects must personally provide accurate and complete responses to all questions required by the Board, including but not limited to character and fitness disclosures, criminal history information, history of education and supervised clinical experience, attestations, and certifications.¶

(5) Nothing in this rule precludes a subject from receiving limited clerical or technical assistance, including translation services, reasonable accommodations for disability, or independent legal advice, provided that the subject personally determines and supplies all responses.¶

(6) Failure to comply with any provision of this rule, or misrepresentation of compliance, constitutes unprofessional conduct per ORS 675.070(2)(d) and fraud or material misrepresentation per ORS 675.070(2)(f) and may be grounds for disciplinary action.

Statutory/Other Authority: ORS 675.010 - 675.150

Statutes/Other Implemented: ORS 675.030, 675.070, 675.110

ADOPT: 858-030-0010

RULE SUMMARY: Sets forth when fees are refundable.

CHANGES TO RULE:

858-030-0010

Fee Refunds

Fees are nonrefundable, except that overpayment of fees or fees submitted as part of application before required will be refunded.

Statutory/Other Authority: ORS 675.110, 675.115

Statutes/Other Implemented: ORS 675.110, 675.115