

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ
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MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

FILED

03/26/2025 11:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Implements Senate Bill 1552, petition for predetermination based on criminal conviction, fee, and definitions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/23/2025 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.

CONTACT: LaRee Stashek
503-373-1196
laree.stashek@mhra.oregon.gov

3218 Pringle Road SE
Salem, OR 97302

Filed By:
LaRee Stashek
Rules Coordinator

NEED FOR THE RULE(S)

The Board needs to implement Senate Bill 1552 (2024), which at Section 44 creates ORS 670.280(4) and becomes operative on July 1, 2025. It requires the Board, upon request by a petitioner, to make a determination as to whether a criminal conviction will prevent the petitioner from receiving a license. The Board also determined that updates were needed to the definitions for clarity, consistency, and transparency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR Chapter 833 and ORS Chapter 675 are available on the OBLPCT website at <https://www.oregon.gov/OBLPCT/Pages/LawsRules.aspx>. Senate Bill 1552 is available on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1552>.

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

This rule amendment is expected to have a positive affect on racial equity in the state because it allows a petitioner to learn whether their criminal conviction will prevent them from obtaining a license before they expend time and resources on an educational program. Updating the definitions ensures that the Board's rules are clear and easier for everyone to understand. This reduces the likelihood of misinterpretation or exclusion due to vague or outdated terminology.

FISCAL AND ECONOMIC IMPACT:

Petitioners for predetermination will pay a \$125 fee.

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 costs required to implement these changes within its current staffing levels and budgeted resources.

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

Small businesses were not explicitly involved.

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

The proposed rule amendments/adoption were openly discussed during the March 14, 2025 public session board meeting where members of the public were invited to address the Board during a public forum. The changes are largely based on a legislative directive. The Board did not determine that an additional committee beyond the nine-member Board and its staff was necessary to develop the rules.

RULES PROPOSED:

858-010-0001, 858-010-0019, 858-030-0005

AMEND: 858-010-0001

RULE SUMMARY: Removes unused and obsolete terms. Clarifies that the most current version of the DSM is the fifth edition. Adds definition of "petitioner" for licensure predetermination based on criminal history. Updates the definition of regionally accredited institution (accrediting agency) to conform with a July 2020 change to federal rule that removed the distinction of "regional" versus "recognized" accrediting agencies.

CHANGES TO RULE:

858-010-0001

Definitions ¶¶

(1) The practice of psychology is defined to include:¶¶

(a) "Evaluation" means assessing or diagnosing mental disorders or mental functioning, including administering, scoring, and interpreting tests of mental abilities or personality;¶¶

(b) "Therapy" means, but is not limited to, treating mental disorders as defined by the ~~most current version~~ Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) published by the American Psychiatric Association;¶¶

(c) "Consultation" means conferring or giving expert advice on the diagnosis or treatment of mental disorders;¶¶

(d) "Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the skills and competencies of the person supervised.¶¶

(2) "ABPP" means the American Board of Professional Psychology.¶¶

(3) "APA" means the American Psychological Association.¶¶

(4) "Applicant" means a person who submits to the Board a complete application for licensure with the appropriate fees.¶¶

(5) "ASPPB" means the Association of State and Provincial Psychology Boards.¶¶

(6) "Board" means the Oregon Board of Psychology.¶¶

(7) "Candidate for Licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the Board to sit for the required examinations.¶¶

(8) "CE" means continuing education.¶¶

(9) "Client" or "patient" means direct recipients of psychological services, which may include child, adolescent, adult, older adult, couple, family, group, organization, community, or any other individual.¶¶

(10) "CPQ" means the Certificate of Professional Qualification in Psychology issued by the Association of State and Provincial Psychology Boards.¶

(11) "~~Demonstrable areas of competence~~" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.¶

(12) "~~Developed Areas of Practice~~" means:¶

- (a) National recognition of the practice area by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations;¶
- (b) An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided;¶
- (c) Representation by or in a national training council that is recognized, functional, and broadly accepted;¶
- (d) Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines & Principles;¶
- (e) Existence of the practice area in current education and training programs; and¶
- (f) Geographically dispersed psychology practitioners who identify with the practice area and provide such services.¶

(13) "EPPP" means the Examination for Professional Practice in Psychology developed and owned by the Association of State and Provincial Psychology Boards.¶

(14) ~~"Full-time graduate study"~~ means six semester hours or nine quarter hours.¶

(15) "~~HIPDB~~" means the ~~Healthcare Integrity and Protection Data Bank~~ maintained by the U.S. Department of Health and Human Services.¶

(16) ~~"HSPP"~~ means the Health Service Provider in Psychology credential issued by the National Register of Health Service Providers in Psychology.¶

(17) ~~"Internship"~~ means an ongoing, supervised and organized practical experience obtained in an integrated training program identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.¶

(18) ~~"NPDB"~~ means the National Practitioner Data Bank maintained by the U.S. Department of Health and Human Services.¶

(19) ~~"OPA"~~ means the ~~Oregon Psychological Association~~ Petitioner means a person who submits to the Board a complete petition for licensure predetermination with the appropriate fee.¶

(20) ~~17~~ "Practicum" means a formal, pre-degree organized training experience designed to develop a foundation of clinical skills and professional competence with diverse client populations, and to prepare for more substantial responsibilities required in internship.¶

(21) ~~18~~ "Psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.¶

(22) ~~19~~ "Regionally accrediting agency" means ~~one of the six ed institution~~ means an educational institution that is accredited by one of the following six institutional (regional) accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education:¶

- (a) Middle States Commission on Higher Education (MSCHE);¶
- (b) New England Commission of Higher Education (NECHE);¶
- (c) Higher Learning Commission (HCL);¶
- (d) Northwest Commission on Colleges and Universities (NWCCU);¶
- (e) Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); and¶
- (f) WASC Senior College and University Commission (WSCUC).¶

(23) ~~20~~ "Residency" means a post-terminal degree, supervised experience approved by the board.¶

(24) ~~21~~ "Specialty" means a defined area of psychological practice that requires advanced knowledge and skills acquired through an organized sequence of education and training. The advanced knowledge and skills specific to a specialty are obtained subsequent to the acquisition of core scientific and professional foundations in psychology.¶

(25) ~~22~~ "Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual and group consultation, guidance and instruction with respect to the skills and competencies of the person supervised.¶

(26) ~~23~~ "Supervisor" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.¶

(27) ~~24~~ "Treatment" means services provided to an individual, group or organization for the purpose of improving mental health and/or alleviating behavioral, emotional or mental disorders.

Statutory/Other Authority: ORS 675.010 - 675.150, ORS 670.280(4)

Statutes/Other Implemented: ORS 675.110, ORS 670.280(4)

RULE SUMMARY: Establishes procedures for filing of petition for licensure predetermination based on criminal conviction. Sets forth filing requirements, expiration, disclosure requirements, review process, reconsideration, and other provisions.

CHANGES TO RULE:

858-010-0019

Criminal Conviction Predeterminations

(1) Prior to beginning an educational program for a license issued by the Board, a person who was convicted of a crime may petition the Board for a predetermination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board. ¶

(2) Filing of Petitions. Petitioners must submit a complete petition for predetermination in a form and manner prescribed by the Board that includes:¶

(a) A complete and signed petition form; ¶

(b) Petition fee listed in OAR 858-030-0005(6); ¶

(c) Copies of the following documents for each criminal conviction:¶

(A) Arrest report(s);¶

(B) Any charging document(s);¶

(C) The final judgment of conviction;¶

(D) Probation and parole records (if any); ¶

(E) Completion of court-ordered terms and conditions; and¶

(F) A statement from the petitioner regarding the facts underlying the conviction, and any intervening circumstances.¶

(3) If the records in (2)(c)(A)-(E) no longer exist, have been sealed, or are otherwise unavailable to a petitioner, then the petitioner may provide evidence from the agency that held the record as to why the record cannot be provided in lieu of the documents.¶

(4) A petition is incomplete when it is missing one or more of the items required in subsection (2)-(3). An incomplete petition will expire 60 days from the date the petition form was submitted to the Board. Petitioners who allow their petition to expire must file a new complete petition to receive a predetermination.¶

(5) Petitioners must disclose to the Board all previous criminal convictions. Failure to disclose includes any omission or misrepresentation of any material fact regarding a prior criminal conviction. ¶

(6) The Board will review a complete petition and make a predetermination that is not considered a final determination of the Board.¶

(7) The Executive Director may make a predetermination on a petition under the same authority that the Board has delegated to the Executive Director to deny or approve applications.¶

(8) The Board will reconsider its predetermination that a criminal conviction prevents a person from receiving a license if the petitioner subsequently submits a complete application for licensure to the Board. The Board may rescind a previous predetermination if the applicant:¶

(a) Has allegations or charges pending in criminal court;¶

(b) Failed to disclose a previous criminal conviction;¶

(c) Has been convicted of another crime during the period between the predetermination and the applicant's submission of a completed application to the Board; or¶

(d) Has been convicted of a crime that, during the period between the predetermination and the applicant's submission of a completed application to the Board, became subject to a change in state or federal law that prohibits licensure by the Board because of a conviction of that crime.¶

(9) Nothing in this rule prohibits the Board from denying licensure for a reason other than conviction of a crime.¶

(10) The petition and the Board's determination are subject to Oregon's public records laws, and unless an exemption applies, the information in the petition and determination are subject to public disclosure.

Statutory/Other Authority: ORS 675.010 - 675.150, ORS 670.280(4)

Statutes/Other Implemented: ORS 675.110, ORS 670.280(4)

AMEND: 858-030-0005

RULE SUMMARY: Establishes petition for licensure predetermination fee of \$125.

CHANGES TO RULE:

858-030-0005

~~Application, Examination and Licensing Fees ¶¶~~

- (1) License application: \$325¶¶
 - (2) Jurisprudence Examination: \$155¶¶
 - (3) License Fees¶¶
 - (a) Biennial license renewal fee, active psychologist and psychologist associate: \$600.¶¶
 - (b) Biennial license renewal, semi-active psychologist and psychologist associate: \$300.¶¶
 - (c) Biennial license renewal fee, inactive psychologist and psychologist associate: \$90.¶¶
 - (d) The Board shall renew licenses on a biennial birth month renewal schedule.¶¶
 - (e) The Board shall impose a delinquency fee of \$210 for licenses renewed within thirty days after the stated due date.¶¶
 - (f) The Board shall have discretion to waive the delinquency fee in documented hardship cases.¶¶
 - (4) Limited Permit: \$120¶¶
 - (5) Temporary Practice Authorization: \$700¶¶
 - (6) Petition for Licensure Predetermination: \$125¶¶
 - (7) Miscellaneous Fees. Most materials and information are available through the Board website at www.oregon.gov/psychology or may be purchased in accordance with ORS 192.324.¶¶
 - (a) Certified verification of licensure: \$5¶¶
 - (b) Certified transfer of application information: \$20¶¶
 - (c) Student loan deferment letter: \$5¶¶
 - (d) Duplicating request: \$2.50 for the first five copies; \$.25 for each copy thereafter¶¶
 - (e) Laws and administrative rules: \$5¶¶
 - (f) Electronic file of mailing labels: \$35¶¶
 - (g) Application packet, including laws and administrative rules: \$10¶¶
 - (h) Duplicate wall display certificate of licensure: \$12¶¶
 - (i) Certified duplicate license: \$10¶¶
 - (j) Cumulative disciplinary report: \$7.50
- Statutory/Other Authority: ORS 675.110, ORS 675.115, ORS 670.280(4)(a)
Statutes/Other Implemented: ORS 675.110, ORS 675.115, ORS 670.280(4)(a)