



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858

MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

FILED

05/13/2025 8:07 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Implementing SB1557, prohibiting licensees from denying services to youth on basis of intellectual/developmental disability.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/24/2025 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.

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NEED FOR THE RULE(S)

The Board must implement Senate Bill 1557, which passed during the 2024 Short Legislative Session and added a requirement (at Section 5) for mental/behavioral health licensing agencies to adopt rules that prohibit licensees from denying "any individual under the age of 21 years access to mental health assessment, treatment or services on the basis that the individual also has an intellectual or developmental disability."

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>. Senate Bill 1557 can be found on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/SB1557>.

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

This rule amendment is expected to have a positive effect on racial equity in the state because it helps to ensure that youth with intellectual or developmental disabilities- which may be underdiagnosed and undertreated in marginalized communities- are not turned away due to their disability status. Steps toward more equitable treatment reduces potential barriers and may improve long-term outcomes via early intervention. Setting clear standards in rule to prohibit discriminatory practices increases accountability among providers. This promotes inclusiveness and culturally competent care.

FISCAL AND ECONOMIC IMPACT:

None

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 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 adoption was openly discussed during the May 9, 2025 public session board meeting where members of the public were invited to address the Board during a public forum. The rule language is simple and 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 craft the rulemaking proposal.

ADOPT: 858-010-0301

RULE SUMMARY: Prohibits Board licensees, residents, and temporary practitioners from denying any individual under the age of 21 years access to mental health assessment, treatment or services on the basis that the individual also has an intellectual or developmental disability.

CHANGES TO RULE:

858-010-0301

Access to Mental Health Assessment, Treatment, or Services

Licensees, residents, and temporary practitioners may not deny any individual under the age of 21 years access to mental health assessment, treatment or services on the basis that the individual also has an intellectual or developmental disability.

Statutory/Other Authority: ORS 675.010 - 675.150, 2024 Or Laws ch 96, § 5

Statutes/Other Implemented: 2024 Or Laws ch 96, § 5