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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OBP 4-2020
CHAPTER 858
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF PSYCHOLOGY

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes temporary emergency visitor's permit for psychologists licensed in other states for coronavirus emergency.

EFFECTIVE DATE: 03/31/2020 THROUGH 09/26/2020

AGENCY APPROVED DATE: 03/26/2020

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NEED FOR THE RULE(S):

In response to the COVID-19 global pandemic, and resulting social distancing initiatives, the Board determined that there is an immediate need to provide an additional limited permit type that is more expedited and provides a broader scope of work than the currently available Visitor's Permit in that it allows services to be delivered to an unlimited number of clients. The Visitor's Permit only allows for 30 days of practice within a 12 month period, which may not be sufficient for some practitioners to provide continuity of care to Oregonians who have been displaced due to the coronavirus emergency.

JUSTIFICATION OF TEMPORARY FILING:

Failure to immediately amend this rule will limit Oregonians' ability to receive continued mental health services from their providers who are licensed in other states. In-person gatherings, including activities of universities and colleges, have been limited to slow the spread of the coronavirus. Measures designed to promote social distancing have been implemented and may continue to expand. Mental health clinics, private practices, and university counseling services have closed their doors. As a result, the demand for the electronic delivery of mental health services has increased substantially. Clients, including students returning to their homes, may reside in a different state from where they customarily receive their in-person mental health services. The standard licensure process for psychologists involves completion of a fingerprint-based criminal background check and receipt of various documents including transcripts, reference forms, and verifications of other state licensure. These already time-consuming processes have become delayed to a greater extent following business and educational institution closures. The current Visitor's Permit process requires the mailing of a form and fee, and is limited to only 30 days of practice. Individuals licensed in other states cannot achieve Oregon licensure or a permit in a timely manner to provide essential services to their clients in need. If the Board does not adopt this rule, practitioners from other states will face a choice of either violating state laws or refusing to provide mental health services to their clients. This will result in a reduction in essential mental health services available to Oregonians. This temporary rule amendment will facilitate expedited practice for continuity of care and support a reduction in the spread of the disease.

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>. Coronavirus/COVID-19 information and resources from the Governor's Office, including relevant Executive Orders, can be found at <https://www.oregon.gov/gov/Pages/coronavirus2020.aspx>.

AMEND: 858-010-0055

RULE TITLE: Limited Permits

RULE SUMMARY: This amendment temporarily establishes an Emergency Visitor's Permit that allows psychologists licensed in other states to provide mental health care services through confidential electronic communications to persons located in Oregon in response to the novel coronavirus emergency.

RULE TEXT:

(1) The Board may grant a limited permit to practice psychology in the State of Oregon to individuals who possess and have maintained an active license as a psychologist in another jurisdiction in good standing. Applicants under section (2) must:

(a) Submit a Visitor's Permit Application or a Temporary Permit Application;

(b) Submit proof of licensure in good standing from other jurisdictions;

(c) Pay the limited permit fee;

(d) Submit a statement certifying that the applicant has read and understands Oregon law relating to the practice of psychology.

(2) Limited Permit Types.

(a) Visitor's Permit. A visitor's permit may be issued to psychologists that do not intend to seek full licensure in Oregon, and are providing psychological services for a limited, time-specific period only.

(A) A statement of work must be submitted with the Visitor's Permit Application, and whenever the psychologist re-enters Oregon.

(B) The statement of work must include purpose, location, and the specific dates of service.

(C) A visitor's permit shall be effective for no more than 30 days in a 12 month period.

(b) Temporary Permit. The Board may grant a temporary permit to an approved applicant for full licensure in Oregon.

(A) Individuals applying for a temporary permit that do not have a minimum of five years of licensure must consult with an Oregon licensed psychologist at least one hour per week on matters pertaining to Oregon law. The consultant must agree and be named on the Limited Permit Application.

(B) A temporary permit shall be effective for no more than 90 calendar days. Applicants granted a temporary permit must take the jurisprudence examination within 90 days from the date the permit is approved.

(C) Failure to pass the jurisprudence examination shall result in cancellation of the temporary permit. The Board has discretion to extend the temporary permit for an additional 30 days in order to allow the applicant time to transition clients to another provider.

(D) Applicants whose temporary permit is cancelled may submit a Consultation Contract for Board approval to continue providing services after the cancellation date.

(3) Emergency Visitor's Permit

(a) In response to the Declaration of Emergency Due to Coronavirus (COVID-19), Executive Order No. 20-03, and the immediate need to meet the mental health care needs of Oregonians, it is the judgment of this Board that persons who present evidence to the satisfaction of the Board that they hold a license in good standing to practice as a psychologist in any state or the District of Columbia, shall be deemed to be qualified for an Emergency Visitor's Permit to practice in this state and may be registered with the Board to deliver mental health care services through confidential electronic communications to persons located in Oregon. Persons so registered with the Board are subject to the Board's jurisdiction for care provided to clients in Oregon.

(b) To qualify for a permit under this section, an applicant must be in good standing, with no restrictions or limitations upon, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed.

(c) Applicants must submit the application using the Board approved application form. No fee will be charged for this application.

(d) An Emergency Visitor's Permit issued under this section is valid for no longer than 180 days from the effective date of this rule.

(e) The Board will maintain a registry for all persons granted a permit under this section.

(f) A person permitted under this section may use the title "Emergency Visiting Psychologist."

STATUTORY/OTHER AUTHORITY: ORS 675.063

STATUTES/OTHER IMPLEMENTED: ORS 675.063