

House Bill 2009

Sponsored by Representative BARNHART

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Converts State Board of Psychologist Examiners to semi-independent state agency. Revises laws regarding board determination and collection of civil penalties and fees. Directs that expenditure limitation approved by Legislative Assembly for biennium beginning July 1, 2007, and expenditure classifications and fee schedules in place remain in force until superseded by board.

Repeals laws determining amount of fees and creating State Board of Psychologist Examiners Account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to semi-independent state agencies; creating new provisions; amending ORS 182.454,
3 675.100, 675.110 and 675.130; repealing ORS 675.115 and 675.140; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 182.454 is amended to read:

6 182.454. The following semi-independent state agencies are subject to ORS 182.456 to 182.472:

7 (1) The Appraiser Certification and Licensure Board.

8 (2) The State Board of Architect Examiners.

9 (3) The State Board of Examiners for Engineering and Land Surveying.

10 (4) The State Board of Geologist Examiners.

11 (5) The State Landscape Architect Board.

12 (6) The Oregon Board of Optometry.

13 (7) The Oregon Patient Safety Commission.

14 **(8) The State Board of Psychologist Examiners.**

15 [(8)] **(9)** The Oregon Wine Board.

16 **SECTION 2.** ORS 675.100 is amended to read:

17 675.100. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven
18 members appointed by the Governor. **The board shall operate as a semi-independent state**
19 **agency subject to ORS 182.456 to 182.472.** Five of the members [*shall*] **must** be residents of
20 Oregon, have doctoral degrees with primary emphasis in psychology and [*shall*] be licensed under
21 ORS 675.010 to 675.150. Two members [*shall*] **must** be residents of Oregon and shall serve as public
22 members.

23 (2) The term of office of a board member [*shall be*] **is** three years, but the members [*shall*] serve
24 at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall
25 appoint a successor to assume duties on July 1 next following. A member [*shall be*] **is** eligible for
26 one consecutive reappointment only. In case of a vacancy for any cause, the Governor shall make
27 an appointment to become immediately effective for the unexpired term.

28 (3) All appointments of members of the board by the Governor are subject to confirmation by

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the Senate in the manner provided in ORS 171.562 and 171.565.

2 (4) Before entering upon the duties of office, each board member shall subscribe to an oath that
 3 the member will faithfully and impartially discharge the duties of office and that the member will
 4 support the Constitution of the United States and the Constitution of this state. The oath shall be
 5 filed with the Secretary of State.

6 (5) Each member of the board is entitled to compensation and expenses as *[provided in ORS*
 7 *292.495]* **determined by the board.**

8 **SECTION 3.** ORS 675.110 is amended to read:

9 675.110. The State Board of Psychologist Examiners shall have the following powers, in addition
 10 to the powers otherwise granted under ORS **182.456 to 182.472 and** 675.010 to 675.150, and shall
 11 have all powers necessary or proper to carry the granted powers into effect:

12 (1) To determine qualifications of applicants to practice psychology in this state; to cause to
 13 have examinations prepared, conducted and graded and to grant licensing to qualified applicants
 14 upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules of the board.

15 (2) To grant or deny renewal of licenses, and to renew licenses *[which]* **that** have lapsed for
 16 nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

17 (3) To suspend or revoke licenses, subject to ORS 675.010 to 675.150.

18 (4) To issue letters of reprimand, to impose probationary periods with the authority to restrict
 19 the scope of practice of a licensed psychologist or to require practice under supervision.

20 (5) To impose civil penalties not to exceed \$1,000.

21 (6) To restore licenses *[which]* **that** have been suspended or revoked or voided by nonpayment
 22 of the renewal fee.

23 (7)(a) *[To]* **Subject to ORS 182.466, to determine and** collect fees for application, examination
 24 and licensing of applicants, for renewal of licenses, and for issuance of limited permits[]], *such fees to*
 25 *be used to defray the expenses of the board as provided in ORS 675.140).*

26 (b) *[The board may]* **To** collect a delinquent renewal fee for licenses renewed after the deadline
 27 for renewal but before the grace period for renewal has expired.

28 (8) To investigate alleged violations of ORS 675.010 to 675.150.

29 (9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or af-
 30 firmations to witnesses, conduct hearings, require the production of relevant documents in all pro-
 31 ceedings pertaining to the duties and powers of the board.

32 (10) To enforce ORS 675.010 to 675.150 and to exercise general supervision over the practice of
 33 psychology in this state.

34 (11) To adopt a common seal.

35 (12) To formulate a code of professional conduct for the practice of psychology giving particular
 36 consideration to the Ethical Standards of Psychologists promulgated by the American Psychological
 37 Association.

38 (13) To establish standards of service and training and educational qualifications for the ren-
 39 dering of ethical psychological services in this state, including the formulation of standards for the
 40 issuance of licenses for areas of special competence.

41 (14) To formulate and enforce continuing education requirements for duly licensed psychologists
 42 to insure the highest quality of professional services to the public.

43 (15) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the
 44 renewal fee, unless prior to payment of the renewal fee described in subsection (7) of this section
 45 the applicant completes, or provides documentation of previous completion of:

1 (a) A pain management education program approved by the board and developed in conjunction
2 with the Pain Management Commission established under ORS 409.500; or

3 (b) An equivalent pain management education program, as determined by the board.

4 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
5 181.534, to require the fingerprints of a person who is:

6 (a) Applying for a license that is issued by the board;

7 (b) Applying for renewal of a license that is issued by the board; or

8 (c) Under investigation by the board.

9 (17) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to carry
10 out the provisions of ORS 675.010 to 675.150.

11 **SECTION 4.** ORS 675.130 is amended to read:

12 675.130. (1) The State Board of Psychologist Examiners shall select one of its members as
13 chairperson, and another as vice chairperson, for such terms and with such powers and duties nec-
14 essary for the performance of the functions of such offices as the board shall determine.

15 (2) A majority of the board constitutes a quorum for the transaction of business.

16 (3) The board shall meet at least once a year at a place, day and hour determined by the board.
17 The board shall also meet at such other times and places as are specified by the call of the chair-
18 person, or of a majority of the members of the board or of the Governor.

19 (4) The board shall maintain records of all of its proceedings under ORS 675.010 to 675.150.

20 (5) The board shall maintain a register of all living psychologists licensed under ORS 675.010
21 to 675.150, showing their names, their last-known business addresses, their last-known residential
22 addresses, and the dates and numbers of their licenses.

23 *[(6) The board may appoint an executive secretary who shall not be a member of the board. The
24 board shall fix the compensation for the executive secretary.]*

25 **SECTION 5.** ORS 675.115 and 675.140 are repealed.

26 **SECTION 6.** (1) Any expenditure limitation approved by the Legislative Assembly for the
27 biennium beginning July 1, 2007, for the State Board of Psychologist Examiners shall con-
28 tinue to apply after the effective date of the amendments to ORS 182.454, 675.100, 675.110 and
29 675.130 by sections 1 to 4 of this 2007 Act and the repeal of ORS 675.115 and 675.140 by section
30 5 of this 2007 Act, until the board adopts a budget pursuant to ORS 182.462 for the biennium
31 beginning July 1, 2007. Upon the adoption by the board of a budget pursuant to ORS 182.462
32 for the biennium beginning July 1, 2007, the legislatively approved expenditure limitations for
33 the biennium beginning July 1, 2007, for the board shall terminate.

34 (2) The expenditure classifications, if any, established by the Acts authorizing or limiting
35 expenditures by the State Board of Psychologist Examiners during the biennium beginning
36 July 1, 2007, remain applicable to expenditures by the board under a budget adopted pursuant
37 to ORS 182.462 for the biennium beginning July 1, 2007.

38 (3) Any fee schedule for the State Board of Psychologist Examiners in effect immediately
39 prior to the effective date of the amendments to ORS 182.454, 675.100, 675.110 and 675.130 by
40 sections 1 to 4 of this 2007 Act and the repeal of ORS 675.115 and 675.140 by section 5 of this
41 2007 Act shall continue in effect until superseded by rule of the board.

42 **SECTION 7.** This 2007 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
44 on its passage.