

A-Engrossed
Senate Bill 229

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Board of Psychologist Examiners)

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.

Authorizes State Board of Psychologist Examiners, **under specified circumstances**, to order psychological, physical and psychiatric assessments of licensees. **Establishes confidentiality provisions.**

A BILL FOR AN ACT

1
2 Relating to licensee assessments ordered by the State Board of Psychologist Examiners; creating
3 new provisions; and amending ORS 675.110.

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

5 **SECTION 1.** ORS 675.110 is amended to read:

6 675.110. The State Board of Psychologist Examiners shall have the following powers, in addition
7 to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary
8 or proper to carry the granted powers into effect:

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

12 (2) To grant or deny renewal of licenses, and to renew licenses which have lapsed for nonpay-
13 ment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

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

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

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

18 (6) To restore licenses which have been suspended or revoked or voided by nonpayment of the
19 renewal fee.

20 (7)(a) To collect fees for application, examination and licensing of applicants, for renewal of li-
21 censes, and for issuance of limited permits, such fees to be used to defray the expenses of the board
22 as provided in ORS 675.140.

23 (b) The board may collect a delinquent renewal fee for licenses renewed after the deadline for
24 renewal but before the grace period for renewal has expired.

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

26 (9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or af-

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 firmations to witnesses, conduct hearings, require the production of relevant documents in all pro-
2 ceedings pertaining to the duties and powers of the board.

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

5 (11) To adopt a common seal.

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

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

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

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

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

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

20 **(16) To require a licensed psychologist to undergo a psychological, physical or psychiatric**
21 **assessment as provided in section 3 of this 2007 Act.**

22 ~~[(16)]~~ (17) For the purpose of requesting a state or nationwide criminal records check under ORS
23 181.534, to require the fingerprints of a person who is:

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

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

26 (c) Under investigation by the board.

27 ~~[(17)]~~ (18) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to
28 carry out the provisions of ORS 675.010 to 675.150.

29 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS 675.010 to**
30 **675.150.**

31 **SECTION 3. (1) Notwithstanding ORS 675.085, the State Board of Psychologist Examiners,**
32 **upon receipt of a complaint about a licensee and if the board has reasonable cause to doubt**
33 **the fitness of a licensee to practice psychology, may direct and order a licensed psychologist**
34 **to submit to a psychological, physical or psychiatric assessment or any combination thereof.**
35 **The board may make any investigation, including the taking of depositions or otherwise, in**
36 **order to fully inform itself with respect to the performance or conduct of a licensed psy-**
37 **chologist.**

38 (2) A psychologist licensed by the board shall be deemed to have given consent to submit
39 to psychological, physical or psychiatric assessment when so directed by the board. All doc-
40 uments, records and related information shall be made available to the board for its consid-
41 eration. All information received by the board related to an assessment of a licensee shall
42 be confidential and may not be disclosed by the board except as required by law.