

HOUSE AMENDMENTS TO SENATE BILL 174

By COMMITTEE ON HEALTH CARE

May 29

- 1 On page 1 of the printed bill, line 3, after “675.070” insert “and 675.090”.
- 2 Delete lines 5 through 30 and delete page 2 and insert:
- 3 “**SECTION 1.** ORS 675.070 is amended to read:
- 4 “675.070. (1) Where any of the grounds enumerated in subsection (2) of this section exist, the
- 5 State Board of Psychologist Examiners may impose any of the following sanctions:
- 6 “(a) Deny a license to any applicant;
- 7 “(b) Refuse to renew the license of any psychologist or psychologist associate;
- 8 “(c) Suspend the license of any psychologist or psychologist associate for a period of not less
- 9 than one year;
- 10 “(d) Issue a letter of reprimand;
- 11 “(e) Impose probation with authority to restrict the scope of practice of a psychologist or psy-
- 12 chologist associate or require practice under supervision;
- 13 “(f) Revoke the license of any psychologist or psychologist associate; or
- 14 “(g) Impose a civil penalty [*not to exceed \$1,000*] **as set forth in subsection (3) of this**
- 15 **section.**
- 16 “(2) Grounds exist for imposition of any of the sanctions enumerated in subsection (1) of this
- 17 section against any psychologist or psychologist associate or applicant, or, where applicable, any
- 18 unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board,
- 19 the person:
- 20 “(a) Abuses intoxicants or controlled substances to such an extent as to incapacitate the person
- 21 from the performance of professional duties;
- 22 “(b) Has been convicted of violation of any law relating to controlled substances;
- 23 “(c) Has been convicted of any felony or of any misdemeanor involving moral turpitude;
- 24 “(d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of
- 25 psychology which includes but is not limited to:
- 26 “(A) Any conduct or practice contrary to recognized standard of ethics of the psychological
- 27 profession or any conduct or practice which constitutes a danger to the health or safety of a patient
- 28 or the public, or any conduct, practice or condition which impairs a psychologist or psychologist
- 29 associate’s ability to practice psychology safely and skillfully.
- 30 “(B) Willful ordering or performing of unnecessary tests or studies, administration of unneces-
- 31 sary treatment, failure to obtain consultations or perform referrals when failing to do so is not
- 32 consistent with the standard of care, or otherwise ordering or performing any psychological service
- 33 or treatment which is contrary to recognized standards of practice of the psychological profession;
- 34 “(e) Is mentally or emotionally unfit to practice psychology;
- 35 “(f) Has practiced or attempted to practice medicine without being licensed to do so;

1 “(g) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or
2 material misrepresentation;

3 “(h) Has impersonated a licensed psychologist or psychologist associate or has allowed another
4 person to use the license of the psychologist;

5 “(i) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of pro-
6 fessional conduct formulated under ORS 675.110 (12); or

7 “(j) Has obtained a fee or payment from a patient or third party payer through fraud or inten-
8 tional misrepresentation.

9 “(3) The board may impose a civil penalty under subsection (1) of this section:

10 “(a) In an amount not to exceed \$5,000; or

11 “(b) In an amount not to exceed \$10,000, if any of the following conditions exist:

12 “(A) The conduct giving rise to the penalty had a serious detrimental effect on the health
13 or safety of another person;

14 “(B) The person subject to the penalty has a history of discipline for the same or similar
15 conduct;

16 “(C) The conduct giving rise to the penalty involves a willful or reckless disregard of the
17 law;

18 “(D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly
19 person or a person with a disability; or

20 “(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or
21 representing that the person is a psychologist without having a license.

22 “[3] (4) In case of any conviction required under subsection (2) of this section as grounds for
23 denial, refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a cer-
24 tified copy of the record of the conviction shall be conclusive evidence.

25 “[4] (5) The board may license an applicant or renew or restore any license suspended or re-
26 voked under subsection (2)(e) of this section whenever the board determines that the applicant or
27 former licensed psychologist or former psychologist associate is no longer mentally or emotionally
28 unfit to practice psychology.

29 “[5] (6) License suspension or revocation in another state is grounds for license denial or dis-
30 ciplinary action by the board.

31 “**SECTION 2.** ORS 675.090 is amended to read:

32 “675.090. (1) ORS 675.010 to 675.150 do not apply to:

33 “(a) A person who teaches psychology, conducts psychological research or provides consulting
34 services to an organization or institution provided that the teaching, research or consulting services
35 do not involve the delivery or supervision of direct psychological services to individuals who are
36 themselves, rather than a third party, the beneficiaries of the services, regardless of the source or
37 extent of payment for the services rendered. *[Nothing in ORS 675.010 to 675.150 shall prevent the*
38 *provision of expert testimony by psychologists who are otherwise exempted by this subsection. A person*
39 *performing the functions authorized by this paragraph may use the title ‘psychologist’ only if the person*
40 *holds a doctoral degree in psychology from an approved doctoral program in psychology.]*

41 “(b) The provision of expert testimony by a person described in paragraph (a) of this
42 subsection.

43 “[b] (c) A person who is either:

44 “(A) A matriculated graduate student pursuing a graduate degree in professional psychology at
45 an approved doctoral program in psychology;

1 “(B) A student pursuing postdoctoral training or experience in professional psychology, includ-
2 ing a person seeking to fulfill the licensure requirements established in ORS 675.010 to 675.150; or

3 “(C) A person pursuing certification or licensure or a graduate degree in any of the certified
4 or licensed professions otherwise exempted from ORS 675.010 to 675.150.

5 “[*(c)*] (d) A person who is licensed or certified by the State of Oregon to provide mental health
6 services, provided that the services are rendered within the person’s lawful scope of practice and
7 that the person does not use the title ‘psychologist’ in connection with the activities authorized in
8 this paragraph.

9 “[*(d)*] (e) A person who is licensed, certified or otherwise authorized by the State of Oregon to
10 render professional services, provided that the services are rendered within the person’s lawful
11 scope of practice and that the person does not use the title ‘psychologist’ in connection with the
12 activities authorized under this paragraph.

13 “[*(e)*] (f) A person who is employed by a local, state or federal government agency, or employed
14 by a community mental health program or drug and alcohol treatment program licensed or certified
15 by the State of Oregon to the extent that the person’s activities and services are rendered within
16 the person’s scope of employment and are performed within the confines of the employing agency
17 and provided that the person does not use the title ‘psychologist’ in connection with the activities
18 authorized under this paragraph.

19 “[*(f)*] (g) A person who is a recognized member of the clergy, provided that the person is acting
20 in the person’s ministerial capacity and does not use the title ‘psychologist.’

21 “[*(g)*] (h) A person who has credentials as a school psychologist if the person is an employee
22 of an educational institution and restricts the person’s practice to activities within a school setting.
23 A person acting under this paragraph may use the title ‘school psychologist.’

24 “(2)(a) **Notwithstanding subsection (1)(f) of this section, a person with a doctoral degree**
25 **in psychology who is employed by and practicing psychology at a local, state or federal gov-**
26 **ernment agency or a community mental health program or drug and alcohol treatment pro-**
27 **gram licensed or certified by the State of Oregon may practice psychology without a license**
28 **under ORS 675.010 to 675.150 for no more than 24 months after the person begins practicing**
29 **psychology at the agency or program.**

30 “(b) **Before the person obtains a license under ORS 675.010 to 675.150:**

31 “(A) **The person may practice psychology only within the scope of the person’s employ-**
32 **ment and within the confines of the employing agency or program; and**

33 “(B) **The person may not use the title ‘psychologist.’**

34 “(3) **A person performing the functions described in subsection (1)(a) and (b) of this sec-**
35 **tion may use the title ‘psychologist’ only if the person holds a doctoral degree in psychology**
36 **from an approved doctoral program in psychology.**

37 “[*(2)*] (4) A person described in subsection [*(1)(b)*] (1)(c) of this section may use the title ‘psy-
38 chological trainee,’ ‘psychological intern,’ ‘psychologist resident’ or ‘psychologist associate resident’
39 if the person is pursuing the education or training described in subsection [*(1)(b)*] (1)(c) of this sec-
40 tion under the supervision and responsibility of a licensed psychologist in accordance with the rules
41 adopted by the State Board of Psychologist Examiners.

42 “[*(3)*] (5) Nothing in this section [*shall exempt*] **exempts** from ORS 675.010 to 675.150 a person
43 whose license to practice psychology is revoked or suspended because the person engaged in sexual
44 activity with a client.

45 “**SECTION 3. The amendments to ORS 675.070 by section 1 of this 2009 Act apply to dis-**

1 **ciplinary actions proposed by the State Board of Psychologist Examiners on or after January**
2 **1, 2010.**

3 **“SECTION 4. The amendments to ORS 675.090 by section 2 of this 2009 Act become op-**
4 **erative on January 1, 2012.”.**

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