

Senate Bill 174

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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**.

Increases maximum civil penalty State Board of Psychologist Examiners may impose for disciplinary violations. Applies to disciplinary actions commenced on or after January 1, 2010.

A BILL FOR AN ACT

1
2 Relating to State Board of Psychologist Examiners; creating new provisions; and amending ORS
3 675.070.

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

5 **SECTION 1.** ORS 675.070 is amended to read:

6 675.070. (1) Where any of the grounds enumerated in subsection (2) of this section exist, the
7 State Board of Psychologist Examiners may impose any of the following sanctions:

8 (a) Deny a license to any applicant;

9 (b) Refuse to renew the license of any psychologist or psychologist associate;

10 (c) Suspend the license of any psychologist or psychologist associate for a period of not less than
11 one year;

12 (d) Issue a letter of reprimand;

13 (e) Impose probation with authority to restrict the scope of practice of a psychologist or psy-
14 chologist associate or require practice under supervision;

15 (f) Revoke the license of any psychologist or psychologist associate; or

16 (g) Impose a civil penalty not to exceed [*\$1,000.*] **\$10,000.**

17 (2) Grounds exist for imposition of any of the sanctions enumerated in subsection (1) of this
18 section against any psychologist or psychologist associate or applicant, or, where applicable, any
19 unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board,
20 the person:

21 (a) Abuses intoxicants or controlled substances to such an extent as to incapacitate the person
22 from the performance of professional duties;

23 (b) Has been convicted of violation of any law relating to controlled substances;

24 (c) Has been convicted of any felony or of any misdemeanor involving moral turpitude;

25 (d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psy-
26 chology which includes but is not limited to:

27 (A) Any conduct or practice contrary to recognized standard of ethics of the psychological
28 profession or any conduct or practice which constitutes a danger to the health or safety of a patient
29 or the public, or any conduct, practice or condition which impairs a psychologist or psychologist
30 associate's ability to practice psychology safely and skillfully.

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 (B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary
2 treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent
3 with the standard of care, or otherwise ordering or performing any psychological service or treat-
4 ment which is contrary to recognized standards of practice of the psychological profession;

5 (e) Is mentally or emotionally unfit to practice psychology;

6 (f) Has practiced or attempted to practice medicine without being licensed to do so;

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

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

11 (i) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of profes-
12 sional conduct formulated under ORS 675.110 (12); or

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

15 (3) In case of any conviction required under subsection (2) of this section as grounds for denial,
16 refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy
17 of the record of the conviction shall be conclusive evidence.

18 (4) The board may license an applicant or renew or restore any license suspended or revoked
19 under subsection (2)(e) of this section whenever the board determines that the applicant or former
20 licensed psychologist or former psychologist associate is no longer mentally or emotionally unfit to
21 practice psychology.

22 (5) License suspension or revocation in another state is grounds for license denial or discipli-
23 nary action by the board.

24 **SECTION 2. The amendments to ORS 675.070 by section 1 of this 2009 Act apply to dis-**
25 **ciplinary actions proposed by the State Board of Psychologist Examiners on or after January**
26 **1, 2010.**