

House Bill 2389

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education)

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**.

Makes changes to educational and training qualifications necessary to be licensed to practice psychology. Eliminates existing incongruities in statutes governing psychology.

Applies to individuals who submit to State Board of Psychologist Examiners application for psychologist licensure before, on or after effective date of Act.

A BILL FOR AN ACT

1
2 Relating to the practice of psychology; creating new provisions; and amending ORS 675.010, 675.030
3 and 675.090.

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

5 **SECTION 1.** ORS 675.010 is amended to read:

6 675.010. As used in ORS 675.010 to 675.150, unless the context requires otherwise:

7 (1) "Approved doctoral program in psychology" means a doctoral program in psychology **that**
8 **is:**

9 (a) Accredited by the American Psychological Association [*or a doctoral program in*
10 *psychology*];

11 (b) **Offered by an institution accredited by one of the regional accrediting agencies re-**
12 **cognized by the United States Secretary of Education as a reliable authority on the quality**
13 **of education or training offered by institutions of higher education; or**

14 (c) Accredited individually or as part of an institutional accreditation by another private or
15 governmental accrediting agency[, *when*] **if** the [*association's or*] agency's standards and procedures
16 have been approved by the State Board of Psychologist Examiners by rule.

17 [(2) "*Board*" means the State Board of Psychologist Examiners.]

18 [(3)] (2) "Licensed psychologist" means a person licensed to practice psychology under the pro-
19 visions of ORS 675.010 to 675.150.

20 [(4)] (3) "Practice of psychology" means:

21 (a) Rendering or offering to render supervision, consultation, evaluation or therapy services to
22 individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional
23 or mental disorders[. "*Practice of psychology*" also includes]; **and**

24 (b) Delegating the administration and scoring of tests to technicians qualified by and under the
25 direct supervision of a licensed psychologist.

26 [(5)] (4) "State" means any state or territory of the United States and the District of Columbia.

27 **SECTION 2.** ORS 675.030, as amended by section 4, chapter 43, Oregon Laws 2012, is amended
28 to read:

29 675.030. (1) Upon application for licensure accompanied by the established fee, the State Board
30 of Psychologist Examiners shall issue a psychologist license to an applicant who performs to the

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 satisfaction of the board in *examinations* **any examination** prescribed by the board and furnishes
 2 evidence satisfactory to the board that the applicant:

3 (a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable
 4 rules of the board;

5 (b) Holds a doctoral degree in psychology from an approved doctoral program in psychology;

6 *[(c) Has satisfactorily completed courses and training required by the board;]*

7 *[(d)]* (c) Has had two years of supervised employment in the field of psychology:

8 (A) Under the direction of a psychologist licensed in Oregon or under the direction of a person
 9 considered by the board to have equivalent supervisory competence; or

10 (B) In the military; and

11 *[(e)]* (d) Is of good moral character.

12 (2) For purposes of **subsection (1)(d)** of this section, the lack of good moral character may be
 13 established by reference to acts or conduct that reflect moral turpitude or to acts or conduct that
 14 would cause a reasonable person to have substantial doubts about the individual's honesty, fairness
 15 and respect for the rights of others and for the laws of the state and the nation. The conduct or acts
 16 in question must be rationally connected to the applicant's fitness to practice psychology.

17 *[(2)]* (3) The board shall adopt rules by which a person receiving post-doctoral supervision dur-
 18 ing the application process may enter into a contract to practice psychology under the supervision
 19 of a licensed psychologist, psychologist associate or a person considered by the board to have
 20 equivalent supervisory competence. An applicant who enters such a contract shall be designated as
 21 a psychologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS
 22 675.010 to 675.150.

23 **SECTION 3.** ORS 675.090 is amended to read:

24 675.090. (1) ORS 675.010 to 675.150 do not apply to:

25 (a) A person who teaches psychology, conducts psychological research or provides consulting
 26 services to an organization or institution, provided that the *[teaching, research or consulting services*
 27 *do not involve the delivery or supervision of direct psychological services to individuals who are*
 28 *themselves, rather than a third party, the beneficiaries of the services, regardless of the source or extent*
 29 *of payment for the services rendered.]* **person does not supervise direct psychological services and**
 30 **does not treat any behavioral, emotional or mental disorder of an individual.**

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

32 (c) A person who is either:

33 (A) A matriculated graduate student pursuing a graduate degree in professional psychology at
 34 an approved doctoral program in psychology; **or**

35 *[(B) A student pursuing post-doctoral training or experience in professional psychology, including*
 36 *a person seeking to fulfill the licensure requirements established in ORS 675.010 to 675.150; or]*

37 *[(C)]* (B) A person pursuing certification or licensure or a graduate degree in any of the certified
 38 or licensed professions *[otherwise]* exempted from ORS 675.010 to 675.150.

39 (d) A person who is *[licensed or certified]* **licensed, certified or otherwise authorized** by the
 40 State of Oregon to provide mental health services, provided that the services are rendered within
 41 the person's lawful scope of practice and that the person does not use the title "psychologist" in
 42 connection with the activities *[authorized]* **described** in this paragraph.

43 *[(e) A person who is licensed, certified or otherwise authorized by the State of Oregon to render*
 44 *professional services, provided that the services are rendered within the person's lawful scope of prac-*
 45 *tice and that the person does not use the title "psychologist" in connection with the activities authorized*

1 *under this paragraph.]*

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

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

10 [(h)] (g) A person who has credentials as a school psychologist [if], **provided that** the person
11 is an employee of an educational institution and [restricts the person’s practice to activities] **practices**
12 **only** within a school setting. A person acting under this paragraph may use the title “school psy-
13 chologist.”

14 (2)(a) Notwithstanding subsection [(1)(f)] (1)(e) of this section, a person with a doctoral degree
15 in psychology who is employed by and practicing psychology at a local, state or federal government
16 agency or a community mental health program or drug and alcohol treatment program licensed or
17 certified by the State of Oregon may practice psychology without a license under ORS 675.010 to
18 675.150 for no more than 24 months after the person begins practicing psychology at the agency or
19 program.

20 (b) Before the person obtains a license under ORS 675.010 to 675.150:

21 (A) The person may practice psychology only within the scope of the person’s employment and
22 within the confines of the employing agency or program; and

23 (B) The person may not use the title “psychologist.”

24 (3) A person performing the functions described in subsection (1)(a) and (b) of this section may
25 use the title “psychologist” only if the person holds a doctoral degree in psychology from an ap-
26 proved doctoral program in psychology.

27 (4) A person described in subsection (1)(c) of this section may use the title [*psychological*
28 *trainee,* “*psychological intern,*” “*psychologist resident*” or “*psychologist associate resident*” if the per-
29 son is pursuing the education or training] **“psychological intern” or “psychological trainee,”**
30 **provided that the program** described in subsection (1)(c) of this section is under the supervision
31 and responsibility of a licensed psychologist in accordance with [the] rules adopted by the State
32 Board of Psychologist Examiners.

33 (5) Nothing in this section exempts from ORS 675.010 to 675.150 a person whose license to
34 practice psychology is revoked or suspended because the person engaged in sexual activity with a
35 client.

36 **SECTION 4. The amendments to ORS 675.010 and 675.030 by sections 1 and 2 of this 2013**
37 **Act apply to individuals who submit an application for psychologist licensure to the State**
38 **Board of Psychologist Examiners before, on or after the effective date of this 2013 Act.**