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**Senate Committee on Human Services and Early Childhood  
Testimony for SB 430**

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Senators:

I see SB 430 as a flawed bill as written -- but one that can be turned into an excellent bill with just a few changes.

So I'd like to make three related points: Criticism of the proposed wording in SB 430, criticism of the existing law, and a recommendation for improving both.

**Criticisms of SB 430 as Introduced**

Two criticisms:

1. By mentioning only sex crimes as reasons for the boards to deny licenses, it implies tacit approval to all other crimes. There's a whole alphabet of felonies out there: no one wants their psychologist to be an arsonist, a blackmailer, a cannibal, and so on. It's not just about sex criminals.
2. The bill adds nothing of substance, because the law already allows the boards to deny a license to anyone, based on a "lack of good moral character."

## **Criticism of the Existing Law**

My eyebrows went up when I saw the “good moral character” paragraph in the existing statutes for the Board of Psychologist Examiners. Maybe I’m old-fashioned, but it looks like a Jim Crow law to me. Not the kind of Jim Crow law that mentions race explicitly, but the other kind – the kind of Jim Crow law that gives the board the power to reject anyone, solely on the basis of unproven allegations, perhaps invented on the spot.

ORS 675.030(1)(e) is a classic of this type: a real period piece. The paragraph is even sugar-coated with lofty terms and gratuitous flag-waving! In just one short paragraph, it manages to refer to “moral character,” “honesty,” “fairness,” “respect for the rights of others,” “rationally,” and (my favorite) “the laws of the state and the nation.” If it also mentioned “mom’s apple pie,” it would be perfect.

## **Recommendation**

Since we’re all grateful that Oregon isn’t a Jim Crow state, let’s delete the “good moral character” paragraph, 675.030(1)(e), thus removing the board’s ability to deny licenses capriciously, and replace it with something more specific.

The wording for SB 430 seems almost ideal for this purpose, provided it’s altered slightly, to include not just sex offenders, but felons in general. Something like this:

“(2) The board may withhold a psychologist license from an applicant who has been convicted in any state of a felony.”

To summarize my recommendation:

- Delete ORS 675.030(1)(e) for the OBPE, plus the equivalent paragraphs elsewhere in ORS 675 (for the other affected licenses).
- Alter the wording of SB 430 to refer to felons rather than sex offenders in all places where this occurs.

Yours truly,

Robert Plamondon