

**Enrolled**  
**House Bill 2328**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Board of Psychologist Examiners)

CHAPTER .....

AN ACT

Relating to naming of Oregon Board of Psychology; creating new provisions; and amending ORS 109.675, 430.010, 675.010, 675.030, 675.040, 675.045, 675.050, 675.063, 675.065, 675.070, 675.075, 675.085, 675.087, 675.090, 675.100, 675.110, 675.115, 675.130, 675.140, 675.150, 676.150, 676.160, 676.410, 676.440, 676.802, 676.850 and 743A.168 and section 3, chapter 380, Oregon Laws 2015.

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

**SECTION 1.** ORS 109.675 is amended to read:

109.675. (1) A minor 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, excluding methadone maintenance, by a physician or physician assistant licensed by the Oregon Medical Board, a psychologist licensed by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**, a nurse practitioner registered by the Oregon State Board of Nursing, a clinical social worker licensed by the State Board of Licensed Social Workers, a professional counselor or marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists or a community mental health program established and operated pursuant to ORS 430.620 when approved to do so by the Oregon Health Authority pursuant to rule.

(2) However, the person providing treatment shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, which shall be documented in the treatment record. The provisions of this subsection do not apply to:

(a) A minor who has been sexually abused by a parent; or

(b) An emancipated minor, whether emancipated under the provisions of ORS 109.510 and 109.520 or 419B.550 to 419B.558 or, for the purpose of this section only, emancipated by virtue of having lived apart from the parents or legal guardian while being self-sustaining for a period of 90 days prior to obtaining treatment as provided by this section.

**SECTION 2.** ORS 430.010 is amended to read:

430.010. As used in this chapter:

(1) "Outpatient service" means:

(a) A program or service providing treatment by appointment and by:

(A) Medical or osteopathic physicians licensed by the Oregon Medical Board under ORS 677.010 to 677.450;

(B) Psychologists licensed by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** under ORS 675.010 to 675.150;

(C) Nurse practitioners registered by the Oregon State Board of Nursing under ORS 678.010 to 678.410;

(D) Regulated social workers authorized to practice regulated social work by the State Board of Licensed Social Workers under ORS 675.510 to 675.600; or

(E) Professional counselors or marriage and family therapists licensed by the Oregon Board of Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835; or

(b) A program or service providing treatment by appointment that is licensed, approved, established, maintained, contracted with or operated by the authority under:

(A) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

(B) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

(C) ORS 430.610 to 430.880 for mental or emotional disturbances.

(2) "Residential facility" means a program or facility providing an organized full-day or part-day program of treatment. Such a program or facility shall be licensed, approved, established, maintained, contracted with or operated by the authority under:

(a) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

(b) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

(c) ORS 430.610 to 430.880 for mental or emotional disturbances.

**SECTION 3.** ORS 675.010 is amended to read:

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

(1) "Approved doctoral program in psychology" means a doctoral program in psychology accredited by the American Psychological Association or a doctoral program in psychology accredited individually or as part of an institutional accreditation by another private or governmental accrediting agency, when the association's or agency's standards and procedures have been approved by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** by rule.

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

(3) "Licensed psychologist" means a person licensed to practice psychology under the provisions of ORS 675.010 to 675.150.

(4) "Practice of psychology" means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes delegating the administration and scoring of tests to technicians qualified by and under the direct supervision of a licensed psychologist.

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

**SECTION 4.** ORS 675.030 is amended to read:

675.030. (1) Upon application for licensure accompanied by the established fee, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall issue a psychologist license to an applicant who performs to the satisfaction of the board in examinations prescribed by the board and furnishes evidence satisfactory to the board that the applicant:

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

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

(c) Has satisfactorily completed courses and training required by the board;

(d) Has had two years of supervised employment in the field of psychology:

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

(B) In the military; and

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

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

**SECTION 5.** ORS 675.040 is amended to read:

675.040. (1) Examinations administered by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** for applicants for licenses under ORS 675.010 to 675.150 shall be held at least once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(2) Any applicant may, upon written request to the board, discuss the applicant's performance on the board administered examination with the board.

(3) Any applicant who fails to make a passing grade on the board administered examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

**SECTION 6.** ORS 675.045 is amended to read:

675.045. (1) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall adopt rules governing examinations required by the board.

(2) When the board requires a board administered examination, the board shall:

(a) Maintain a complete record of the proceedings and of the questions asked and responses given; and

(b) Inform applicants in writing of the examination results for each tested subject area.

(3) Upon written request to the board, an applicant who fails a board administered examination may review the record of the examination. To ensure and maintain test security, the applicant shall sign a confidentiality agreement prior to reviewing the record of the examination.

(4) Any applicant who fails a board administered examination shall be:

(a) Allowed to petition the board to reconsider the results of the entire examination or the results of a particular tested area.

(b) Reexamined only in the tested areas in which the applicant did not receive a passing grade.

**SECTION 7.** ORS 675.050 is amended to read:

675.050. (1) Upon application for licensure accompanied by the established fee, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** may issue a license, without national examination, to any applicant who furnishes evidence satisfactory to the board that the applicant:

(a) Holds a doctoral degree from an approved doctoral program in psychology and is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to licensing requirements of ORS 675.010 to 675.150 and the rules of the board;

(b) Is a diplomate in good standing of the American Board of Professional Psychology;

(c) Is licensed in a jurisdiction that is a party to a licensing reciprocity agreement with the State of Oregon and meets the requirements for reciprocity in the agreement;

(d) Possesses a valid Certificate of Professional Qualification granted by the Association of State and Provincial Psychology Boards or is credentialed as a Health Service Provider in Psychology by the National Register of Health Service Providers in Psychology; or

(e)(A) Possesses and has maintained for at least 15 years a license to practice psychology that is based on a doctoral degree and that is issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards; and

(B) Meets other requirements established by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**.

(2) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall adopt by rule and administer an examination on Oregon law to an applicant described in subsection (1) of this section.

**SECTION 8.** ORS 675.063 is amended to read:

675.063. Upon application therefor and payment of the required fee, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** may issue a limited permit to practice as a psychologist to an applicant holding a certificate or license to practice psychology issued by another state whose requirements are, in the judgment of the board, essentially equivalent to those required by ORS 675.010 to 675.150. The limited permit shall be valid for a period of not more than 180 calendar days in any 24-month period.

**SECTION 9.** ORS 675.065 is amended to read:

675.065. (1) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall issue psychologist associate licenses to applicants who meet requirements of this section, do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions may include but are not restricted to administering tests of mental abilities, conducting personality assessments and counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license.

(3) Upon petition by a psychologist associate, the board may grant authority to function without immediate supervision.

(4) Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist associate license to any applicant who performs to the satisfaction of the board in the examinations prescribed by the board if the board determines that the applicant:

(a) Is of good moral character;

(b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

(c) Has received a master's degree in psychology from a psychology program approved by the board by rule;

(d) Has completed an internship in an approved educational institution or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a psychologist licensed in Oregon, or under the direction of a person considered by the board to have equivalent supervisory competence; and

(e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence.

**SECTION 10.** ORS 675.070 is amended to read:

675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** may impose any of the following sanctions:

(a) Deny a license to any applicant;

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

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

(d) Issue a letter of reprimand;

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

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

(g) Impose a civil penalty as described in subsection (3) of this section.

(2) The board may impose a sanction listed in subsection (1) of this section against any psychologist or psychologist associate or applicant, or, if applicable, any unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

(a) Has an impairment as defined in ORS 676.303;

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

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

(d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology, including but not limited to:

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

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

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

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

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

(h) Has violated any provision of ORS 675.010 to 675.150 or 675.850 or any provision of the code of professional conduct formulated under ORS 675.110 (12);

(i) Has obtained a fee or payment from a patient or third party payer through fraud or intentional misrepresentation; or

(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

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

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

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

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

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

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

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

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

(4) If a conviction described in subsection (2) of this section is used as grounds for denial, refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy of the record of the conviction shall be conclusive evidence.

(5) The board may license an applicant or renew or restore any license suspended or revoked under subsection (2)(a) of this section due to a mental health condition if the board determines that the applicant or former licensed psychologist or former psychologist associate no longer has an impairment due to a mental health condition.

(6) License suspension or revocation in another state is grounds for license denial or disciplinary action by the board.

**SECTION 11.** ORS 675.075 is amended to read:

675.075. (1) Any information that the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** obtains under ORS 675.070 or 675.085 is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof.

**SECTION 12.** ORS 675.085 is amended to read:

675.085. (1) Upon receipt of a complaint under ORS 675.010 to 675.150, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall conduct an investigation as described under ORS 676.165.

(2) Where the board proposes to refuse to issue a license or to impose any disciplinary action under ORS 675.070, opportunity for hearing shall be accorded as provided in ORS chapter 183. The board shall render its decision within 30 days after the hearing.

(3) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS chapter 183.

**SECTION 13.** ORS 675.087 is amended to read:

675.087. The lapse, suspension or revocation of a license issued under ORS 675.010 to 675.150 by the operation of law, by order of the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** or by the decision of a court of law, or the voluntary surrender of a license by a licensee, does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or to revise or render null and void an order suspending or revoking the license.

**SECTION 14.** ORS 675.090 is amended to read:

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

(a) A person who teaches psychology, conducts psychological research or provides consulting services to an organization or institution, provided that the person does not supervise direct psychological services and does not treat any behavioral, emotional or mental disorder of an individual.

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

(c) A graduate student enrolled in an approved psychology program who is pursuing a graduate degree in psychology, provided that the graduate student renders services only for academic credit as part of an organized and supervised training program.

(d) A person pursuing certification, licensure or a graduate degree in any of the certified or licensed professions exempted from ORS 675.010 to 675.150.

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

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

(g) A person who is a recognized member of the clergy, provided that the person is acting in the person's ministerial capacity and does not use the title "psychologist."

(h) A person who has credentials as a school psychologist, provided that the person is an employee of an educational institution and practices only within a school setting. A person acting under this paragraph may use the title "school psychologist."

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

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

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

(B) The person may not use the title "psychologist."

(3) A person performing the functions described in subsection (1)(a) and (b) of this section may use the title "psychologist" only if the person holds a doctoral degree in psychology from an approved doctoral program in psychology.

(4) A person described in subsection (1)(c) of this section may use the title “psychological intern” or “psychological trainee,” provided that the training program described in subsection (1)(c) of this section is under the supervision and responsibility of a licensed psychologist in accordance with rules adopted by the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**.

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

**SECTION 15.** ORS 675.100 is amended to read:

675.100. (1) There hereby is created [*a State Board of Psychologist Examiners*] **the Oregon Board of Psychology** consisting of nine members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be Oregon residents. Of the members of the board:

(a) Six of the members must have doctoral or master’s degrees with primary emphasis in psychology and must be licensed psychologists or former licensed psychologists who are retired from the practice of psychology; and

(b) Three of the members must be members of the public and may not be:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of a licensed psychologist.

(2)(a) Board members required to be licensed psychologists may be appointed from a list of three to five nominees for each vacancy, submitted by any professional organization that represents psychologists.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of a board member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year.

(b) Before the expiration of the term of a member, the Governor shall appoint a successor to assume duties on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member’s term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a licensed psychologist or a retired psychologist who was a licensed psychologist in good standing at the time of retirement, if the board member was appointed to serve on the board as a psychologist.

(4) Before entering upon the duties of office, each board member shall subscribe to an oath that the member will faithfully and impartially discharge the duties of office and that the member will support the Constitution of the United States and the Constitution of this state. The oath shall be filed with the Secretary of State.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

**SECTION 16.** ORS 675.110 is amended to read:

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

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

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

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

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

(5) To impose civil penalties as provided in ORS 675.070.

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

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

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

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

(9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings, require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

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

(11) To adopt a common seal.

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

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

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

(15) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the renewal fee, unless the applicant completes, or provides documentation of previous completion of:

(a) A pain management education program approved by the board and developed in conjunction with the Pain Management Commission established under ORS 413.570; or

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

(16) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, to require the fingerprints of a person who is:

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

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

(c) Under investigation by the board.

(17) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to carry out the provisions of ORS 675.010 to 675.150.

**SECTION 17.** ORS 675.115 is amended to read:

675.115. Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under ORS 675.110 shall not exceed the cost of administering the regulatory program of the [State Board of Psychologist Examiners] **Oregon Board of Psychology** pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

**SECTION 18.** ORS 675.130 is amended to read:



675.130. (1) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the board shall determine.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairperson, or of a majority of the members of the board or of the Governor.

(4) The executive director of the board shall maintain records of all board proceedings under ORS 675.010 to 675.150.

(5) The executive director shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their licenses.

**SECTION 19.** ORS 675.140, as amended by section 3, chapter 240, Oregon Laws 2013, is amended to read:

675.140. On or before the 10th day of each month, the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** Account. The moneys in the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150 and 676.850.

**SECTION 20.** **The Oregon Board of Psychology Account is a continuation of the State Board of Psychologist Examiners Account established by ORS 675.140 (2015 Edition). Moneys contained in the State Board of Psychologist Examiners Account on the effective date of this 2017 Act are considered to be moneys in the Oregon Board of Psychology Account.**

**SECTION 21.** ORS 675.150 is amended to read:

675.150. The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin the person from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment.

**SECTION 22.** ORS 676.150 is amended to read:

676.150. (1) As used in this section:

(a) "Board" means the:

(A) State Board of Examiners for Speech-Language Pathology and Audiology;

(B) State Board of Chiropractic Examiners;

(C) State Board of Licensed Social Workers;

(D) Oregon Board of Licensed Professional Counselors and Therapists;

(E) Oregon Board of Dentistry;

(F) Board of Licensed Dietitians;

(G) State Board of Massage Therapists;

(H) Oregon Board of Naturopathic Medicine;

(I) Oregon State Board of Nursing;

(J) Nursing Home Administrators Board;

(K) Oregon Board of Optometry;

(L) State Board of Pharmacy;

(M) Oregon Medical Board;

(N) Occupational Therapy Licensing Board;

(O) Physical Therapist Licensing Board;

- (P) [State Board of Psychologist Examiners] **Oregon Board of Psychology**;
- (Q) Board of Medical Imaging;
- (R) State Board of Direct Entry Midwifery;
- (S) State Board of Denture Technology;
- (T) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- (U) Oregon Health Authority, to the extent that the authority licenses emergency medical services providers;
- (V) Oregon State Veterinary Medical Examining Board; or
- (W) State Mortuary and Cemetery Board.

(b) "Licensee" means a health professional licensed or certified by or registered with a board.

(c) "Prohibited conduct" means conduct by a licensee that:

(A) Constitutes a criminal act against a patient or client; or

(B) Constitutes a criminal act that creates a risk of harm to a patient or client.

(d) "Unprofessional conduct" means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or client.

(2) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has engaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the conduct without undue delay, but in no event later than 10 working days after the reporting licensee learns of the conduct.

(3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime shall report the conviction or arrest to the licensee's board within 10 days after the conviction or arrest.

(4) The board responsible for a licensee who is reported to have engaged in prohibited or unprofessional conduct shall investigate in accordance with the board's rules. If the board has reasonable cause to believe that the licensee has engaged in prohibited conduct, the board shall present the facts to an appropriate law enforcement agency without undue delay, but in no event later than 10 working days after the board finds reasonable cause to believe that the licensee engaged in prohibited conduct.

(5) A licensee who fails to report prohibited or unprofessional conduct as required by subsection (2) of this section or the licensee's conviction or arrest as required by subsection (3) of this section is subject to discipline by the board responsible for the licensee.

(6) A licensee who fails to report prohibited conduct as required by subsection (2) of this section commits a Class A violation.

(7) Notwithstanding any other provision of law, a report under subsection (2) or (3) of this section is confidential under ORS 676.175. A board may disclose a report as provided in ORS 676.177.

(8) Except as part of an application for a license or for renewal of a license and except as provided in subsection (3) of this section, a board may not require a licensee to report the licensee's criminal conduct.

(9) The obligations imposed by this section are in addition to and not in lieu of other obligations to report unprofessional conduct as provided by statute.

(10) A licensee who reports to a board in good faith as required by subsection (2) of this section is immune from civil liability for making the report.

(11) A board and the members, employees and contractors of the board are immune from civil liability for actions taken in good faith as a result of a report received under subsection (2) or (3) of this section.

**SECTION 23.** ORS 676.160 is amended to read:

676.160. As used in ORS 676.165 to 676.180, "health professional regulatory board" means the:

(1) State Board of Examiners for Speech-Language Pathology and Audiology;

(2) State Board of Chiropractic Examiners;

- (3) State Board of Licensed Social Workers;
- (4) Oregon Board of Licensed Professional Counselors and Therapists;
- (5) Oregon Board of Dentistry;
- (6) Board of Licensed Dietitians;
- (7) State Board of Massage Therapists;
- (8) State Mortuary and Cemetery Board;
- (9) Oregon Board of Naturopathic Medicine;
- (10) Oregon State Board of Nursing;
- (11) Nursing Home Administrators Board;
- (12) Oregon Board of Optometry;
- (13) State Board of Pharmacy;
- (14) Oregon Medical Board;
- (15) Occupational Therapy Licensing Board;
- (16) Physical Therapist Licensing Board;
- (17) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**;
- (18) Board of Medical Imaging;
- (19) Oregon State Veterinary Medical Examining Board;
- (20) Oregon Health Authority, to the extent that the authority licenses emergency medical services providers; and
- (21) Behavior Analysis Regulatory Board.

**SECTION 24.** ORS 676.410 is amended to read:

676.410. (1) As used in this section, “health care workforce regulatory board” means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
- (j) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- (k) Oregon Board of Optometry;
- (l) State Board of Pharmacy;
- (m) Oregon Medical Board;
- (n) Occupational Therapy Licensing Board;
- (o) Physical Therapist Licensing Board;
- (p) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**; and
- (q) Board of Medical Imaging.

(2) An individual applying to renew a license with a health care workforce regulatory board must provide the information prescribed by the Oregon Health Authority pursuant to subsection (3) of this section to the health care workforce regulatory board. Except as provided in subsection (4) of this section, a health care workforce regulatory board may not approve an application to renew a license until the applicant provides the information.

(3) The authority shall collaborate with each health care workforce regulatory board to adopt rules establishing:

(a) The information that must be provided to a health care workforce regulatory board under subsection (2) of this section, which may include:

- (A) Demographics, including race and ethnicity.
- (B) Education and training information.
- (C) License information.
- (D) Employment information.

- (E) Primary and secondary practice information.
- (F) Anticipated changes in the practice.
- (G) Languages spoken.

(b) The manner and form of providing information under subsection (2) of this section.

(4)(a) Subject to paragraph (b) of this subsection, a health care workforce regulatory board shall report health care workforce information collected under subsection (2) of this section to the authority.

(b) Except as provided in paragraph (c) of this subsection, personally identifiable information collected under subsection (2) of this section is confidential and a health care workforce regulatory board and the authority may not release such information.

(c) A health care workforce regulatory board may release personally identifiable information collected under subsection (2) of this section to a law enforcement agency for investigative purposes or to the authority for state health planning purposes.

(5) A health care workforce regulatory board may adopt rules to perform the board's duties under this section.

(6) In addition to renewal fees that may be imposed by a health care workforce regulatory board, the authority shall establish fees to be paid by individuals applying to renew a license with a health care workforce regulatory board. The amount of fees established under this subsection must be reasonably calculated to reimburse the actual cost of obtaining or reporting information as required by subsection (2) of this section.

(7) Using information collected under subsection (2) of this section, the authority shall create and maintain a health care workforce database that will provide data, including data related to the diversity of this state's health care workforce, upon request to state agencies and to the Legislative Assembly. The authority may contract with a private or public entity to establish and maintain the database and to perform data analysis.

**SECTION 25.** Section 3, chapter 380, Oregon Laws 2015, is amended to read:

**Sec. 3.** (1) For individuals applying to renew a license to practice a regulated profession with the Oregon Board of Dentistry, Board of Licensed Dietitians, Oregon State Board of Nursing, State Board of Pharmacy, Oregon Medical Board, Occupational Therapy Licensing Board and Physical Therapist Licensing Board, the amendments to ORS 676.410 by section 1, **chapter 380, Oregon Laws 2015**, [of this 2015 Act] apply to applications to renew a license to practice a regulated profession that are submitted on or after [the operative date specified in section 4 of this 2015 Act] **January 1, 2016**.

(2) For individuals applying to renew a license to practice a regulated profession with the State Board of Examiners for Speech-Language Pathology and Audiology, State Board of Chiropractic Examiners, State Board of Licensed Social Workers, Oregon Board of Licensed Professional Counselors and Therapists, State Board of Massage Therapists, Oregon Board of Naturopathic Medicine, Respiratory Therapist and Polysomnographic Technologist Licensing Board, Oregon Board of Optometry, [State Board of Psychologist Examiners] **Oregon Board of Psychology** and Board of Medical Imaging, the amendments to ORS 676.410 by section 1, **chapter 380, Oregon Laws 2015**, [of this 2015 Act] apply to applications to renew a license to practice a regulated profession that are submitted on or after the date on which rules are adopted for health care workers regulated by a health care workforce regulatory board pursuant to ORS 676.410 (3).

**SECTION 26.** ORS 676.440 is amended to read:

676.440. (1) Health professional regulatory boards shall encourage the development of state-of-the-art multidisciplinary pain management services and the availability of these services to the public.

(2) As used in subsection (1) of this section, "health professional regulatory boards" means the:

- (a) Oregon Medical Board;
- (b) Oregon Board of Naturopathic Medicine;
- (c) Oregon Board of Dentistry;
- (d) Oregon State Board of Nursing;

- (e) Physical Therapist Licensing Board;
- (f) State Board of Chiropractic Examiners;
- (g) State Board of Pharmacy; and
- (h) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology.**

**SECTION 27.** ORS 676.802 is amended to read:

676.802. As used in this section, ORS 676.806 and 676.810 to 676.820:

(1)(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce significant improvement in human social behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior.

(b) “Applied behavior analysis” does not mean psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy or long-term counseling as treatment modalities.

(2) “Licensed health care professional” means an individual whose scope of practice includes applied behavior analysis and who is licensed by:

- (a) The Occupational Therapy Licensing Board;
- (b) The Oregon Board of Licensed Professional Counselors and Therapists;
- (c) The Oregon Medical Board;
- (d) The Oregon State Board of Nursing;
- (e) The Physical Therapist Licensing Board;
- (f) The State Board of Examiners for Speech-Language Pathology and Audiology;
- (g) The State Board of Licensed Social Workers; or
- (h) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology.**

**SECTION 28.** ORS 676.850 is amended to read:

676.850. (1) As used in this section, “board” means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
- (j) Nursing Home Administrators Board;
- (k) Oregon Board of Optometry;
- (L) State Board of Pharmacy;
- (m) Oregon Medical Board;
- (n) Occupational Therapy Licensing Board;
- (o) Physical Therapist Licensing Board;
- (p) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology;**
- (q) Board of Medical Imaging;
- (r) State Board of Direct Entry Midwifery;
- (s) State Board of Denture Technology;
- (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- (u) Home Care Commission; and

(v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers.

(2)(a) In collaboration with the Oregon Health Authority, a board may adopt rules under which the board may require a person authorized to practice the profession regulated by the board to receive cultural competency continuing education approved by the authority under ORS 413.450.

(b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.

(3)(a) A board, or the Health Licensing Office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, shall document participation in cultural competency continuing education by persons authorized to practice a profession regulated by the board.

(b) For purposes of documenting participation under this subsection, a board may adopt rules requiring persons authorized to practice the profession regulated by the board to submit documentation to the board, or to the office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, of participation in cultural competency continuing education.

(4) A board shall report biennially to the authority on the participation documented under subsection (3) of this section.

(5) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (4) of this section.

**SECTION 29.** ORS 743A.168, as amended by section 7, chapter 11, Oregon Laws 2016, is amended to read:

743A.168. A group health insurance policy providing coverage for hospital or medical expenses, other than limited benefit coverage, shall provide coverage for expenses arising from treatment for chemical dependency, including alcoholism, and for mental or nervous conditions at the same level as, and subject to limitations no more restrictive than, those imposed on coverage or reimbursement of expenses arising from treatment for other medical conditions. The following apply to coverage for chemical dependency and for mental or nervous conditions:

(1) As used in this section:

(a) "Chemical dependency" means the addictive relationship with any drug or alcohol characterized by a physical or psychological relationship, or both, that interferes on a recurring basis with the individual's social, psychological or physical adjustment to common problems. For purposes of this section, "chemical dependency" does not include addiction to, or dependency on, tobacco, tobacco products or foods.

(b) "Facility" means a corporate or governmental entity or other provider of services for the treatment of chemical dependency or for the treatment of mental or nervous conditions.

(c) "Group health insurer" means an insurer, a health maintenance organization or a health care service contractor.

(d) "Program" means a particular type or level of service that is organizationally distinct within a facility.

(e) "Provider" means a person that:

(A) Has met the credentialing requirement of a group health insurer, is otherwise eligible to receive reimbursement for coverage under the policy and is:

(i) A health facility as defined in ORS 430.010;

(ii) A residential facility as defined in ORS 430.010;

(iii) A day or partial hospitalization program as defined in ORS 430.010;

(iv) An outpatient service as defined in ORS 430.010; or

(v) An individual behavioral health or medical professional licensed or certified under Oregon law; or

(B) Is a provider organization certified by the Oregon Health Authority under subsection (13) of this section.

(2) The coverage may be made subject to provisions of the policy that apply to other benefits under the policy, including but not limited to provisions relating to deductibles and coinsurance. Deductibles and coinsurance for treatment in health facilities or residential facilities may not be greater than those under the policy for expenses of hospitalization in the treatment of other medical

conditions. Deductibles and coinsurance for outpatient treatment may not be greater than those under the policy for expenses of outpatient treatment of other medical conditions.

(3) The coverage may not be made subject to treatment limitations, limits on total payments for treatment, limits on duration of treatment or financial requirements unless similar limitations or requirements are imposed on coverage of other medical conditions. The coverage of eligible expenses may be limited to treatment that is medically necessary as determined under the policy for other medical conditions.

(4)(a) Nothing in this section requires coverage for:

(A) Educational or correctional services or sheltered living provided by a school or halfway house;

(B) A long-term residential mental health program that lasts longer than 45 days;

(C) Psychoanalysis or psychotherapy received as part of an educational or training program, regardless of diagnosis or symptoms that may be present; or

(D) A court-ordered sex offender treatment program.

(b) Notwithstanding paragraph (a)(A) of this subsection, an insured may receive covered outpatient services under the terms of the insured's policy while the insured is living temporarily in a sheltered living situation.

(5) A provider is eligible for reimbursement under this section if:

(a) The provider is approved or certified by the Oregon Health Authority;

(b) The provider is accredited for the particular level of care for which reimbursement is being requested by the Joint Commission on Accreditation of Hospitals or the Commission on Accreditation of Rehabilitation Facilities;

(c) The patient is staying overnight at the facility and is involved in a structured program at least eight hours per day, five days per week; or

(d) The provider is providing a covered benefit under the policy.

(6) Payments may not be made under this section for support groups.

(7) If specified in the policy, outpatient coverage may include follow-up in-home service or outpatient services. The policy may limit coverage for in-home service to persons who are homebound under the care of a physician.

(8) Nothing in this section prohibits a group health insurer from managing the provision of benefits through common methods, including but not limited to selectively contracted panels, health plan benefit differential designs, preadmission screening, prior authorization of services, utilization review or other mechanisms designed to limit eligible expenses to those described in subsection (3) of this section.

(9) The Legislative Assembly has found that health care cost containment is necessary and intends to encourage insurance policies designed to achieve cost containment by ensuring that reimbursement is limited to appropriate utilization under criteria incorporated into such policies, either directly or by reference.

(10)(a) Subject to the patient or client confidentiality provisions of ORS 40.235 relating to physicians, ORS 40.240 relating to nurse practitioners, ORS 40.230 relating to psychologists, ORS 40.250 and 675.580 relating to licensed clinical social workers and ORS 40.262 relating to licensed professional counselors and licensed marriage and family therapists, a group health insurer may provide for review for level of treatment of admissions and continued stays for treatment in health facilities, residential facilities, day or partial hospitalization programs and outpatient services by either group health insurer staff or personnel under contract to the group health insurer, or by a utilization review contractor, who shall have the authority to certify for or deny level of payment.

(b) Review shall be made according to criteria made available to providers in advance upon request.

(c) Review shall be performed by or under the direction of a medical or osteopathic physician licensed by the Oregon Medical Board, a psychologist licensed by the [State Board of Psychologist Examiners] **Oregon Board of Psychology**, a clinical social worker licensed by the State Board of Licensed Social Workers or a professional counselor or marriage and family therapist licensed by

the Oregon Board of Licensed Professional Counselors and Therapists, in accordance with standards of the National Committee for Quality Assurance or Medicare review standards of the Centers for Medicare and Medicaid Services.

(d) Review may involve prior approval, concurrent review of the continuation of treatment, post-treatment review or any combination of these. However, if prior approval is required, provision shall be made to allow for payment of urgent or emergency admissions, subject to subsequent review. If prior approval is not required, group health insurers shall permit providers, policyholders or persons acting on their behalf to make advance inquiries regarding the appropriateness of a particular admission to a treatment program. Group health insurers shall provide a timely response to such inquiries. Noncontracting providers must cooperate with these procedures to the same extent as contracting providers to be eligible for reimbursement.

(11) Health maintenance organizations may limit the receipt of covered services by enrollees to services provided by or upon referral by providers contracting with the health maintenance organization. Health maintenance organizations and health care service contractors may create substantive plan benefit and reimbursement differentials at the same level as, and subject to limitations no more restrictive than, those imposed on coverage or reimbursement of expenses arising out of other medical conditions and apply them to contracting and noncontracting providers.

(12) Nothing in this section prevents a group health insurer from contracting with providers of health care services to furnish services to policyholders or certificate holders according to ORS 743B.460 or 750.005, subject to the following conditions:

(a) A group health insurer is not required to contract with all providers that are eligible for reimbursement under this section.

(b) An insurer or health care service contractor shall, subject to subsections (2) and (3) of this section, pay benefits toward the covered charges of noncontracting providers of services for the treatment of chemical dependency or mental or nervous conditions. The insured shall, subject to subsections (2) and (3) of this section, have the right to use the services of a noncontracting provider of services for the treatment of chemical dependency or mental or nervous conditions, whether or not the services for chemical dependency or mental or nervous conditions are provided by contracting or noncontracting providers.

(13) The Oregon Health Authority shall establish a process for the certification of an organization described in subsection (1)(e)(B) of this section that:

(a) Is not otherwise subject to licensing or certification by the authority; and

(b) Does not contract with the authority, a subcontractor of the authority or a community mental health program.

(14) The Oregon Health Authority shall adopt by rule standards for the certification provided under subsection (13) of this section to ensure that a certified provider organization offers a distinct and specialized program for the treatment of mental or nervous conditions.

(15) The Oregon Health Authority may adopt by rule an application fee or a certification fee, or both, to be imposed on any provider organization that applies for certification under subsection (13) of this section. Any fees collected shall be paid into the Oregon Health Authority Fund established in ORS 413.101 and shall be used only for carrying out the provisions of subsection (13) of this section.

(16) The intent of the Legislative Assembly in adopting this section is to reserve benefits for different types of care to encourage cost effective care and to ensure continuing access to levels of care most appropriate for the insured's condition and progress. This section does not prohibit an insurer from requiring a provider organization certified by the Oregon Health Authority under subsection (13) of this section to meet the insurer's credentialing requirements as a condition of entering into a contract.

(17) The Director of the Department of Consumer and Business Services and the Oregon Health Authority, after notice and hearing, may adopt reasonable rules not inconsistent with this section that are considered necessary for the proper administration of this section.



**SECTION 30.** (1) The amendments to statutes and session law by sections 1 to 19 and 21 to 29 of this 2017 Act are intended to change the name of the “State Board of Psychologist Examiners” to the “Oregon Board of Psychology.”

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the “State Board of Psychologist Examiners,” wherever they occur in statutory law, other words designating the “Oregon Board of Psychology.”

**Passed by House February 9, 2017**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate March 13, 2017**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

.....  
Dennis Richardson, Secretary of State