

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)

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**.

Renames State Board of Psychologist Examiners to Oregon Board of Psychology.

A BILL FOR 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;

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

3 (C) Nurse practitioners registered by the Oregon State Board of Nursing under ORS 678.010 to
 4 678.410;

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

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

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

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

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

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

14 (2) “Residential facility” means a program or facility providing an organized full-day or part-day
 15 program of treatment. Such a program or facility shall be licensed, approved, established, main-
 16 tained, contracted with or operated by the authority under:

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

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

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

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

21 675.010. As used in ORS 675.010 to 675.150, unless the context requires otherwise:

22 (1) “Approved doctoral program in psychology” means a doctoral program in psychology ac-
 23 credited by the American Psychological Association or a doctoral program in psychology accredited
 24 individually or as part of an institutional accreditation by another private or governmental accred-
 25 iting agency, when the association’s or agency’s standards and procedures have been approved by
 26 the [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** by rule.

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

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

30 (4) “Practice of psychology” means rendering or offering to render supervision, consultation,
 31 evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing
 32 or treating behavioral, emotional or mental disorders. “Practice of psychology” also includes de-
 33 legating the administration and scoring of tests to technicians qualified by and under the direct
 34 supervision of a licensed psychologist.

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

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

37 675.030. (1) Upon application for licensure accompanied by the established fee, the [*State Board*
 38 *of Psychologist Examiners*] **Oregon Board of Psychology** shall issue a psychologist license to an
 39 applicant who performs to the satisfaction of the board in examinations prescribed by the board and
 40 furnishes evidence satisfactory to the board that the applicant:

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

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

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

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

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

3 (B) In the military; and

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

10 (2) The board shall adopt rules by which a person receiving post-doctoral supervision during the
 11 application process may enter into a contract to practice psychology under the supervision of a li-
 12 censed psychologist, psychologist associate or a person considered by the board to have equivalent
 13 supervisory competence. An applicant who enters such a contract shall be designated as a psy-
 14 chologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS
 15 675.010 to 675.150.

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

17 675.040. (1) Examinations administered by the [*State Board of Psychologist Examiners*] **Oregon**
 18 **Board of Psychology** for applicants for licenses under ORS 675.010 to 675.150 shall be held at least
 19 once every year at such times and places as the board may determine. Timely and appropriate notice
 20 shall be sent to each applicant.

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

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

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

27 675.045. (1) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall
 28 adopt rules governing examinations required by the board.

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

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

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

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

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

37 (a) Allowed to petition the board to reconsider the results of the entire examination or the re-
 38 sults of a particular tested area.

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

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

41 675.050. (1) Upon application for licensure accompanied by the established fee, the [*State Board*
 42 *of Psychologist Examiners*] **Oregon Board of Psychology** may issue a license, without national ex-
 43 amination, to any applicant who furnishes evidence satisfactory to the board that the applicant:

44 (a) Holds a doctoral degree from an approved doctoral program in psychology and is licensed
 45 or certified to practice psychology in another state in which the requirements for such licensing or

1 certification are, in the judgment of the board, essentially equivalent to licensing requirements of
 2 ORS 675.010 to 675.150 and the rules of the board;

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

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

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

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

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

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

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

18 675.063. Upon application therefor and payment of the required fee, the *[State Board of Psy-*
 19 *chologist Examiners]* **Oregon Board of Psychology** may issue a limited permit to practice as a
 20 psychologist to an applicant holding a certificate or license to practice psychology issued by another
 21 state whose requirements are, in the judgment of the board, essentially equivalent to those required
 22 by ORS 675.010 to 675.150. The limited permit shall be valid for a period of not more than 180 cal-
 23 endar days in any 24-month period.

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

25 675.065. (1) The *[State Board of Psychologist Examiners]* **Oregon Board of Psychology** shall is-
 26 sue psychologist associate licenses to applicants who meet requirements of this section, do not pos-
 27 sess a doctoral degree, and are deemed competent to perform certain functions within the practice
 28 of psychology under the periodic direct supervision of a psychologist licensed by the board. Such
 29 functions may include but are not restricted to administering tests of mental abilities, conducting
 30 personality assessments and counseling, including educational and vocational planning.

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

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

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

37 (a) Is of good moral character;

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

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

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

45 (e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of

1 full-time experience satisfactory to the board under the direct supervision of a licensed psychologist
 2 in Oregon, or under the direct supervision of a person considered by the board to have equivalent
 3 supervisory competence.

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

5 675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the [*State*
 6 *Board of Psychologist Examiners*] **Oregon Board of Psychology** may impose any of the following
 7 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 as described in subsection (3) of this section.

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

- 20 (a) Has an impairment as defined in ORS 676.303;
- 21 (b) Has been convicted of violation of any law relating to controlled substances;
- 22 (c) Has been convicted of any felony or of any misdemeanor involving moral turpitude;
- 23 (d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psy-
 24 chology, including but not limited to:
 - 25 (A) Any conduct or practice contrary to recognized standard of ethics of the psychological
 26 profession or any conduct or practice that constitutes a danger to the health or safety of a patient
 27 or the public, or any conduct, practice or condition that adversely affects a psychologist or psy-
 28 chologist associate's ability to practice psychology safely and skillfully.
 - 29 (B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary
 30 treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent
 31 with the standard of care, or otherwise ordering or performing any psychological service or treat-
 32 ment which is contrary to recognized standards of practice of the psychological profession;
 - 33 (e) Has practiced or attempted to practice medicine without being licensed to do so;
 - 34 (f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or ma-
 35 terial misrepresentation;
 - 36 (g) Has impersonated a licensed psychologist or psychologist associate or has allowed another
 37 person to use the license of the psychologist;
 - 38 (h) Has violated any provision of ORS 675.010 to 675.150 or 675.850 or any provision of the code
 39 of professional conduct formulated under ORS 675.110 (12);
 - 40 (i) Has obtained a fee or payment from a patient or third party payer through fraud or inten-
 41 tional misrepresentation; or
 - 42 (j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005
 43 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to
 44 a sex crime as defined in ORS 163A.005.

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

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

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

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

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

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

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

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

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

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

18 (6) License suspension or revocation in another state is grounds for license denial or discipli-
19 nary action by the board.

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

21 675.075. (1) Any information that the [*State Board of Psychologist Examiners*] **Oregon Board**
22 **of Psychology** obtains under ORS 675.070 or 675.085 is confidential as provided under ORS 676.175.

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

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

26 675.085. (1) Upon receipt of a complaint under ORS 675.010 to 675.150, the [*State Board of Psy-*
27 *chologist Examiners*] **Oregon Board of Psychology** shall conduct an investigation as described un-
28 der ORS 676.165.

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

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

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

35 675.087. The lapse, suspension or revocation of a license issued under ORS 675.010 to 675.150
36 by the operation of law, by order of the [*State Board of Psychologist Examiners*] **Oregon Board of**
37 **Psychology** or by the decision of a court of law, or the voluntary surrender of a license by a
38 licensee, does not deprive the board of jurisdiction to proceed with any investigation of or any
39 action or disciplinary proceeding against the licensee or to revise or render null and void an order
40 suspending or revoking the license.

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

42 675.090. (1) ORS 675.010 to 675.150 do not apply to:

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

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

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

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

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

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

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

19 (h) A person who has credentials as a school psychologist, provided that the person is an em-
20 ployee of an educational institution and practices only within a school setting. A person acting un-
21 der this paragraph may use the title "school psychologist."

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

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

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

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

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

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

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

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

43 675.100. (1) There hereby is created [*a State Board of Psychologist Examiners*] **the Oregon**
44 **Board of Psychology** consisting of nine members appointed by the Governor and subject to confir-
45 mation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board

1 must be Oregon residents. Of the members of the board:

2 (a) Six of the members must have doctoral or master's degrees with primary emphasis in psy-
 3 chology and must be licensed psychologists or former licensed psychologists who are retired from
 4 the practice of psychology; and

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

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

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

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

11 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
 12 tation on the board according to:

13 (A) Geographic areas of this state; and

14 (B) Ethnic group.

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

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

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

23 (A) Is not a resident of this state;

24 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
 25 cused; or

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

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

33 (5) Each member of the board is entitled to compensation and expenses as provided in ORS
 34 292.495. The board may provide by rule for compensation to board members for the performance of
 35 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

37 675.110. The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** shall have
 38 the following powers, in addition to the powers otherwise granted under ORS 675.010 to 675.150, and
 39 shall have all powers necessary or proper to carry the granted powers into effect:

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

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

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

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

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

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

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

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

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

12 (9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or af-
 13 firmations to witnesses, conduct hearings, require the production of relevant documents in all pro-
 14 ceedings pertaining to the duties and powers of the board.

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

17 (11) To adopt a common seal.

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

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

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

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

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

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

31 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
 32 181A.195, to require the fingerprints of a person who is:

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

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

35 (c) Under investigation by the board.

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

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

39 675.115. Subject to prior approval of the Oregon Department of Administrative Services and a
 40 report to the Emergency Board prior to adopting the fees and charges, the fees and charges estab-
 41 lished under ORS 675.110 shall not exceed the cost of administering the regulatory program of the
 42 [State Board of Psychologist Examiners] **Oregon Board of Psychology** pertaining to the purpose for
 43 which the fee or charge is established, as authorized by the Legislative Assembly within the board's
 44 budget, as the budget may be modified by the Emergency Board.

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

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

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

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

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

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

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

16 675.140. On or before the 10th day of each month, the [*State Board of Psychologist Examiners*]
 17 **Oregon Board of Psychology** shall pay into the State Treasury all moneys received by the board
 18 during the preceding calendar month. The State Treasurer shall credit the moneys to the [*State*
 19 *Board of Psychologist Examiners*] **Oregon Board of Psychology** Account. The moneys in the [*State*
 20 *Board of Psychologist Examiners*] **Oregon Board of Psychology** Account are continuously appro-
 21 priated to the board for the purpose of paying the expenses of administering and enforcing ORS
 22 675.010 to 675.150 and 676.850.

23 **SECTION 20. The Oregon Board of Psychology Account is a continuation of the State**
 24 **Board of Psychologist Examiners Account established by ORS 675.140 (2015 Edition). Moneys**
 25 **contained in the State Board of Psychologist Examiners Account on the effective date of this**
 26 **2017 Act are considered to be moneys in the Oregon Board of Psychology Account.**

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

28 675.150. The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology** may insti-
 29 tute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful
 30 practice of psychology. In any such proceeding it shall not be necessary to show that any person is
 31 individually injured by the actions complained of. If the person complained of is found by the court
 32 to have unlawfully engaged in practice of psychology, the court may enjoin the person from so
 33 practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by
 34 injunction hereby given is in addition to criminal prosecution and punishment.

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

36 676.150. (1) As used in this section:

37 (a) "Board" means the:

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

39 (B) State Board of Chiropractic Examiners;

40 (C) State Board of Licensed Social Workers;

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

42 (E) Oregon Board of Dentistry;

43 (F) Board of Licensed Dietitians;

44 (G) State Board of Massage Therapists;

45 (H) Oregon Board of Naturopathic Medicine;

- 1 (I) Oregon State Board of Nursing;
- 2 (J) Nursing Home Administrators Board;
- 3 (K) Oregon Board of Optometry;
- 4 (L) State Board of Pharmacy;
- 5 (M) Oregon Medical Board;
- 6 (N) Occupational Therapy Licensing Board;
- 7 (O) Physical Therapist Licensing Board;
- 8 (P) *[State Board of Psychologist Examiners]* **Oregon Board of Psychology**;
- 9 (Q) Board of Medical Imaging;
- 10 (R) State Board of Direct Entry Midwifery;
- 11 (S) State Board of Denture Technology;
- 12 (T) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- 13 (U) Oregon Health Authority, to the extent that the authority licenses emergency medical ser-
- 14 vices providers;
- 15 (V) Oregon State Veterinary Medical Examining Board; or
- 16 (W) State Mortuary and Cemetery Board.
- 17 (b) "Licensee" means a health professional licensed or certified by or registered with a board.
- 18 (c) "Prohibited conduct" means conduct by a licensee that:
- 19 (A) Constitutes a criminal act against a patient or client; or
- 20 (B) Constitutes a criminal act that creates a risk of harm to a patient or client.
- 21 (d) "Unprofessional conduct" means conduct unbecoming a licensee or detrimental to the best
- 22 interests of the public, including conduct contrary to recognized standards of ethics of the licensee's
- 23 profession or conduct that endangers the health, safety or welfare of a patient or client.
- 24 (2) Unless state or federal laws relating to confidentiality or the protection of health information
- 25 prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has en-
- 26 gaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for
- 27 the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the
- 28 conduct without undue delay, but in no event later than 10 working days after the reporting licensee
- 29 learns of the conduct.
- 30 (3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime
- 31 shall report the conviction or arrest to the licensee's board within 10 days after the conviction or
- 32 arrest.
- 33 (4) The board responsible for a licensee who is reported to have engaged in prohibited or un-
- 34 professional conduct shall investigate in accordance with the board's rules. If the board has rea-
- 35 sonable cause to believe that the licensee has engaged in prohibited conduct, the board shall present
- 36 the facts to an appropriate law enforcement agency without undue delay, but in no event later than
- 37 10 working days after the board finds reasonable cause to believe that the licensee engaged in pro-
- 38 hibited conduct.
- 39 (5) A licensee who fails to report prohibited or unprofessional conduct as required by subsection
- 40 (2) of this section or the licensee's conviction or arrest as required by subsection (3) of this section
- 41 is subject to discipline by the board responsible for the licensee.
- 42 (6) A licensee who fails to report prohibited conduct as required by subsection (2) of this section
- 43 commits a Class A violation.
- 44 (7) Notwithstanding any other provision of law, a report under subsection (2) or (3) of this sec-
- 45 tion is confidential under ORS 676.175. A board may disclose a report as provided in ORS 676.177.

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

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

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

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

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

12 676.160. As used in ORS 676.165 to 676.180, "health professional regulatory board" means the:

- 13 (1) State Board of Examiners for Speech-Language Pathology and Audiology;
- 14 (2) State Board of Chiropractic Examiners;
- 15 (3) State Board of Licensed Social Workers;
- 16 (4) Oregon Board of Licensed Professional Counselors and Therapists;
- 17 (5) Oregon Board of Dentistry;
- 18 (6) Board of Licensed Dietitians;
- 19 (7) State Board of Massage Therapists;
- 20 (8) State Mortuary and Cemetery Board;
- 21 (9) Oregon Board of Naturopathic Medicine;
- 22 (10) Oregon State Board of Nursing;
- 23 (11) Nursing Home Administrators Board;
- 24 (12) Oregon Board of Optometry;
- 25 (13) State Board of Pharmacy;
- 26 (14) Oregon Medical Board;
- 27 (15) Occupational Therapy Licensing Board;
- 28 (16) Physical Therapist Licensing Board;
- 29 (17) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**;
- 30 (18) Board of Medical Imaging;
- 31 (19) Oregon State Veterinary Medical Examining Board;
- 32 (20) Oregon Health Authority, to the extent that the authority licenses emergency medical ser-
 33 vices providers; and
- 34 (21) Behavior Analysis Regulatory Board.

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

36 676.410. (1) As used in this section, "health care workforce regulatory board" means the:

- 37 (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- 38 (b) State Board of Chiropractic Examiners;
- 39 (c) State Board of Licensed Social Workers;
- 40 (d) Oregon Board of Licensed Professional Counselors and Therapists;
- 41 (e) Oregon Board of Dentistry;
- 42 (f) Board of Licensed Dietitians;
- 43 (g) State Board of Massage Therapists;
- 44 (h) Oregon Board of Naturopathic Medicine;
- 45 (i) Oregon State Board of Nursing;

- 1 (j) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- 2 (k) Oregon Board of Optometry;
- 3 (L) State Board of Pharmacy;
- 4 (m) Oregon Medical Board;
- 5 (n) Occupational Therapy Licensing Board;
- 6 (o) Physical Therapist Licensing Board;
- 7 (p) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**; and
- 8 (q) Board of Medical Imaging.

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

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

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

- 18 (A) Demographics, including race and ethnicity.
- 19 (B) Education and training information.
- 20 (C) License information.
- 21 (D) Employment information.
- 22 (E) Primary and secondary practice information.
- 23 (F) Anticipated changes in the practice.
- 24 (G) Languages spoken.

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

26 (4)(a) Subject to paragraph (b) of this subsection, a health care workforce regulatory board shall
 27 report health care workforce information collected under subsection (2) of this section to the au-
 28 thority.

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

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

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

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

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

1 database and to perform data analysis.

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

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

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

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

21 676.440. (1) Health professional regulatory boards shall encourage the development of state-of-
22 the-art multidisciplinary pain management services and the availability of these services to the
23 public.

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

- 25 (a) Oregon Medical Board;
- 26 (b) Oregon Board of Naturopathic Medicine;
- 27 (c) Oregon Board of Dentistry;
- 28 (d) Oregon State Board of Nursing;
- 29 (e) Physical Therapist Licensing Board;
- 30 (f) State Board of Chiropractic Examiners;
- 31 (g) State Board of Pharmacy; and
- 32 (h) [State Board of Psychologist Examiners] **Oregon Board of Psychology.**

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

34 676.802. As used in this section, ORS 676.806 and 676.810 to 676.820:

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

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

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

- 44 (a) The Occupational Therapy Licensing Board;
- 45 (b) The Oregon Board of Licensed Professional Counselors and Therapists;

- 1 (c) The Oregon Medical Board;
- 2 (d) The Oregon State Board of Nursing;
- 3 (e) The Physical Therapist Licensing Board;
- 4 (f) The State Board of Examiners for Speech-Language Pathology and Audiology;
- 5 (g) The State Board of Licensed Social Workers; or
- 6 (h) The [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**.

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

8 676.850. (1) As used in this section, "board" means the:

- 9 (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- 10 (b) State Board of Chiropractic Examiners;
- 11 (c) State Board of Licensed Social Workers;
- 12 (d) Oregon Board of Licensed Professional Counselors and Therapists;
- 13 (e) Oregon Board of Dentistry;
- 14 (f) Board of Licensed Dietitians;
- 15 (g) State Board of Massage Therapists;
- 16 (h) Oregon Board of Naturopathic Medicine;
- 17 (i) Oregon State Board of Nursing;
- 18 (j) Nursing Home Administrators Board;
- 19 (k) Oregon Board of Optometry;
- 20 (L) State Board of Pharmacy;
- 21 (m) Oregon Medical Board;
- 22 (n) Occupational Therapy Licensing Board;
- 23 (o) Physical Therapist Licensing Board;
- 24 (p) [*State Board of Psychologist Examiners*] **Oregon Board of Psychology**;
- 25 (q) Board of Medical Imaging;
- 26 (r) State Board of Direct Entry Midwifery;
- 27 (s) State Board of Denture Technology;
- 28 (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- 29 (u) Home Care Commission; and
- 30 (v) Oregon Health Authority, to the extent that the authority licenses emergency medical ser-
- 31 vice providers.

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

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

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

42 (b) For purposes of documenting participation under this subsection, a board may adopt rules
43 requiring persons authorized to practice the profession regulated by the board to submit documen-
44 tation to the board, or to the office for those boards for which the office issues and renews author-
45 izations to practice the profession regulated by the board, of participation in cultural competency

1 continuing education.

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

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

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

9 743A.168. A group health insurance policy providing coverage for hospital or medical expenses,
 10 other than limited benefit coverage, shall provide coverage for expenses arising from treatment for
 11 chemical dependency, including alcoholism, and for mental or nervous conditions at the same level
 12 as, and subject to limitations no more restrictive than, those imposed on coverage or reimbursement
 13 of expenses arising from treatment for other medical conditions. The following apply to coverage for
 14 chemical dependency and for mental or nervous conditions:

15 (1) As used in this section:

16 (a) “Chemical dependency” means the addictive relationship with any drug or alcohol charac-
 17 terized by a physical or psychological relationship, or both, that interferes on a recurring basis with
 18 the individual’s social, psychological or physical adjustment to common problems. For purposes of
 19 this section, “chemical dependency” does not include addiction to, or dependency on, tobacco, to-
 20 bacco products or foods.

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

23 (c) “Group health insurer” means an insurer, a health maintenance organization or a health care
 24 service contractor.

25 (d) “Program” means a particular type or level of service that is organizationally distinct within
 26 a facility.

27 (e) “Provider” means a person that:

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

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

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

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

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

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

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

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

44 (3) The coverage may not be made subject to treatment limitations, limits on total payments for
 45 treatment, limits on duration of treatment or financial requirements unless similar limitations or

1 requirements are imposed on coverage of other medical conditions. The coverage of eligible expenses
2 may be limited to treatment that is medically necessary as determined under the policy for other
3 medical conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (9) The Legislative Assembly has found that health care cost containment is necessary and in-
32 tends to encourage insurance policies designed to achieve cost containment by ensuring that re-
33 imbursement is limited to appropriate utilization under criteria incorporated into such policies,
34 either directly or by reference.

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

43 (b) Review shall be made according to criteria made available to providers in advance upon re-
44 quest.

45 (c) Review shall be performed by or under the direction of a medical or osteopathic physician

1 licensed by the Oregon Medical Board, a psychologist licensed by the [*State Board of Psychologist*
2 *Examiners*] **Oregon Board of Psychology**, a clinical social worker licensed by the State Board of
3 Licensed Social Workers or a professional counselor or marriage and family therapist licensed by
4 the Oregon Board of Licensed Professional Counselors and Therapists, in accordance with standards
5 of the National Committee for Quality Assurance or Medicare review standards of the Centers for
6 Medicare and Medicaid Services.

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

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

21 (12) Nothing in this section prevents a group health insurer from contracting with providers of
22 health care services to furnish services to policyholders or certificate holders according to ORS
23 743B.460 or 750.005, subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

16
