

# **TOPIC: HEALTH CARE PROVIDER WORKFORCE**

## **PRESENTED TO: HOUSE INTERIM COMMITTEE ON HEALTH CARE ON 9-21-2022**

### **Presented By:**

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# Mental Health Regulatory Agency (MHRA)

The Mental Health Regulatory Agency (MHRA) was created to provide administrative and regulatory oversight to the regulated boards:

- The Board of Psychology
- The Board of Licensed Professional Counselors and Therapists

MHRA was established when House Bill 2319 was signed into law on May 8, 2017. The agency enabling statutes can be found at ORS 675.160 through 178.

MHRA performs the following functions for the regulated boards:

- Budgeting
- Recordkeeping
- Staffing
- Contracting
- Procedure and policymaking
- Performance and standard setting functions

The boards maintain their own separate authority for:

- Complaint investigations
- Regulatory enforcement
- Establishment and collection of fees
- Licensing criteria and practice standards

MHRA is under the supervision and control of one Executive Director (ED). The ED is responsible for the performance of the duties, functions and powers, and organization of the Agency.



# Oregon Board of Psychology (OBOP) – Mission and Description of the Board

The mission of the BOP is to promote, preserve and protect the public health and welfare by ensuring the ethical and legal practice of psychology. BOP was created for the purpose of determining the qualifications of applicants to practice psychology in Oregon and issuing and renewing licenses. The Board investigates complaints of professional misconduct made against licensees and is also charged with safeguarding the people of the State of Oregon from the dangers of unqualified and improper practice of psychology.

Practicing psychology means rendering or offering to render supervision, consultation, evaluations or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. It is unlawful to practice psychology or represent oneself as a psychologist without first being properly licensed by BOP. To “represent oneself as a psychologist” means to use any terminology, title or description of services incorporating the words “psychology”, “psychological”, “psychotherapy”, or “psychologist”, or to offer or render to individuals or to groups of individuals services included in the practice of psychology.

The Board consists of nine members. Six members are licensed psychologists; and three are from the general public, not associated with the profession. All members are appointed by the Governor to three-year terms and confirmed by the Senate, and can serve up to two, three-year terms. The Board hires staff to administer all official business. The Board meets bimonthly, usually at its office in Salem, but since the Covid pandemic is now offering hybrid personal/virtual meetings. Decisions are made in open public meetings where guests are encouraged to attend.



# Oregon Board of Licensed Professional Counselors and Therapists (OBLPCT) – Mission and Description of the Board.

The mission of the Oregon Board of Licensed Professional Counselors and Therapists (BLPCT) is to protect the public by identifying and regulating the practice of qualified mental health counselors (LPC's) and licensed marriage and family therapists (LMFT's). The Board is also charged with safeguarding the people of the State of Oregon from the dangers of unqualified and improper practice of professional counseling and marriage and family therapy.

“Marriage and family therapy” means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of family systems or other psychotherapeutic principals and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

“Professional counseling” means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of mental health counseling or other psychotherapeutic principals and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

Unless exempted, it is unlawful for a person not licensed by OBLPC to engage in or purport to the public to be engaged in the practice of professional counseling under the title “licensed professional counselor”, or to engage in or purport to the public to be engaged in the practice of marriage and family therapy under the title of “licensed marriage and family therapist”.

The Board consists of eight members: three professional counselors; two marriage and family therapists; a member of a faculty of a school that trains counselors and therapists; and two public members. All members are appointed by the Governor to three-year terms and can serve up to two, three-year terms. Governor appointees are confirmed by the Senate. The Board hires staff to administer all official business. The Board meets bimonthly, usually at its offices in Salem, but since the Covid pandemic hybrid meetings are offered. The Board is funded solely from licensing fees and other miscellaneous revenues such as publication sales and civil penalties. Decisions are made in open public meetings where guests are encouraged to attend.



# MHRA: Number of Licensees as of 9-15-2022

## OBOP

- Psychologists – 2,263
- Psychologist Associates – 23
- Residents – 105
- Active Limited Permits – 172

TOTAL OBOP - 2,563

- The Board of Psychology's licensee base has grown by an average of 3.5% per year over the past 10 years.
- While this is not as rapid as counselors and therapists, it represents a much greater increase than the overall Oregon population which is about 1% annually.

## OBLPCT

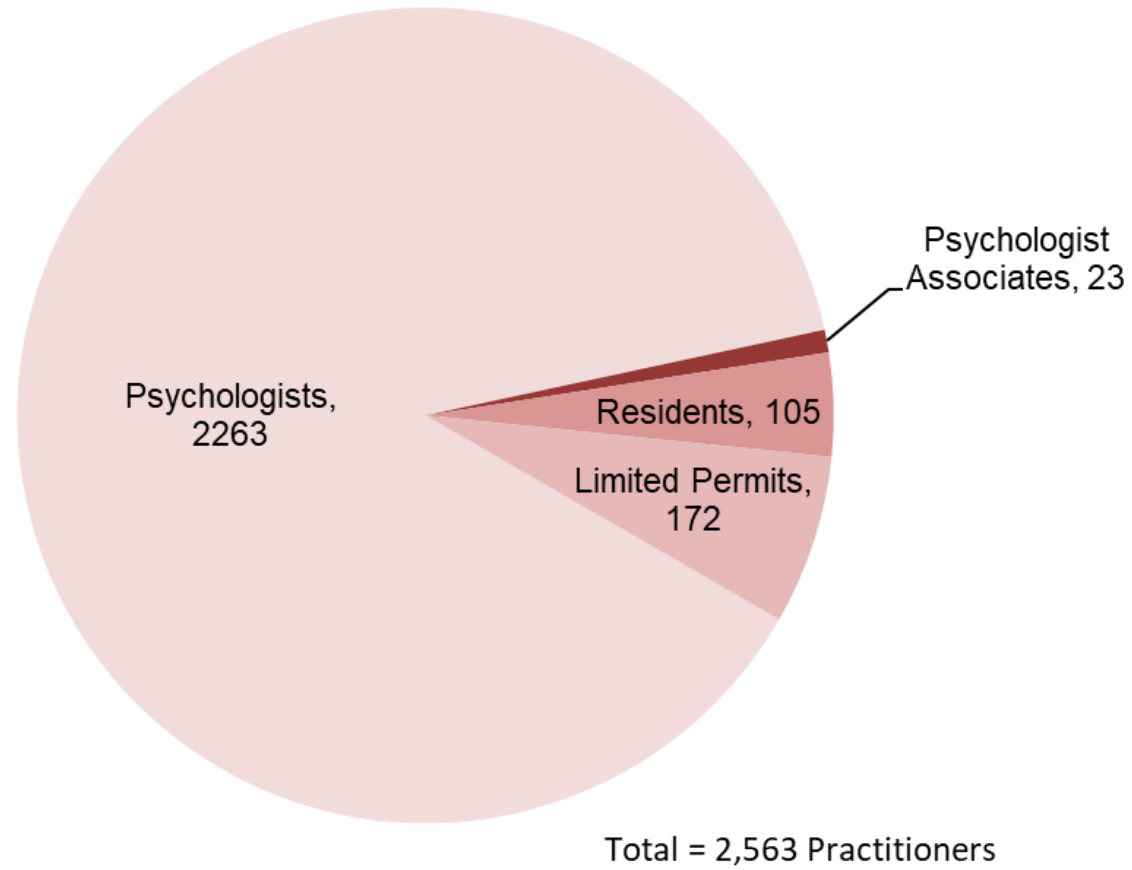
- LPCs – 4,670
- LMFTs – 1,477
- Registered Associates – 1,794

TOTAL OBLPCT - 7,941

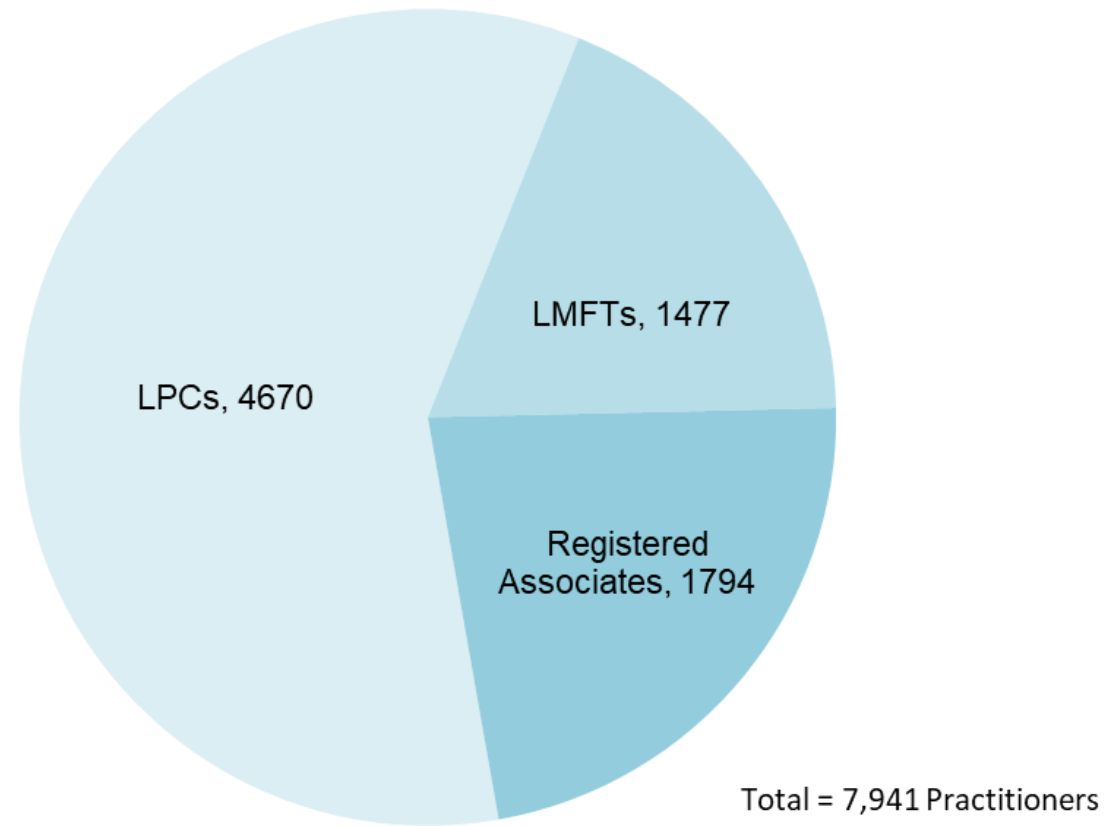
- The total number of licensed counselors and therapists in Oregon has more than doubled over the past ten years. It has been growing by an average of 9.2% per year.
- In 2012, there was approximately 1 LPC per 1,906 Oregonians. In 2021, this figure grew to approximately 1 LPC per 978 Oregonians.
- In 2012, there was approximately 1 LMFT per 7,357 Oregonians. In 2021, this figure grew to approximately 1 LPC per 3,152 Oregonians.

TOTAL BLPCT + BOP = 2,563 + 7,941 = 10,504

### BOP Practice Authorizations as of September 15, 2022



### BLPCT Practice Authorizations as of September 15, 2022







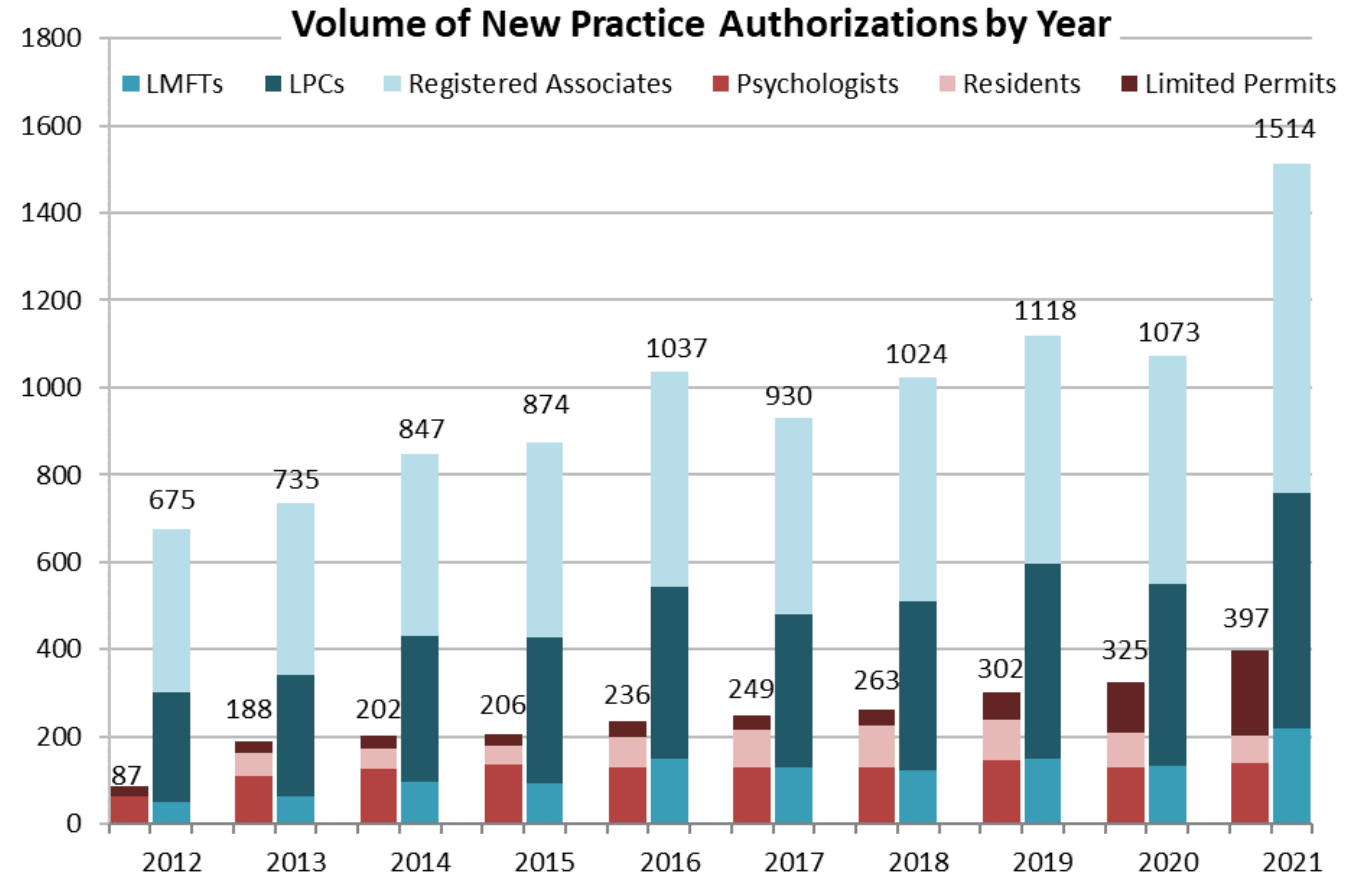
# General License Requirements

DEPENDS ON THE APPLICATION METHOD AND APPLICANT'S SITUATION

- Application & Fee
- Official Transcript (Showing Date of Degree Conferral)
- Criminal Background Check
- Documentation of Supervised Work Experience (if applicable)
- Official Verification of Competency Exam Completion (if applicable)
- Official Verification of Other State Licensure (if applicable)
- Course Descriptions (if applicable)
- Professional Reference Forms (BOP only)
- Professional Disclosure Statement (BLPCT only)
- Passage of State Exam



# Mental Health Regulatory Agency





# MHRA Participation in Workforce Initiatives

- **House Bill 2319** (2017)- the creation of Mental Health Regulatory Agency. Administrative oversight over two boards to establish uniform policies and procedures, efficiencies in recordkeeping and staffing, and streamlined workflow processes.
- **House Bill 3030 & Senate Bill 688** (2019)- temporary practice authorization. The Boards adopted rules to establish the application procedures and requirements to grant temporary practice authorizations to spouses of members of the US Armed Forces stationed in Oregon.
- **House Bill 2949** (2021)- behavioral healthcare workforce incentives. BLPCT amended 39 rule sections across 13 rule divisions in OAR Chapter 833 to implement the title change from registered “intern” to “associate.”
- **From April 2020 through November 2020:** Both the BOP and the BLPCT adopted temporary rules to allow for out of state licensees in good standing to get free permits to practice in Oregon during the height of the Covid Pandemic. This resulted in nearly 1000 temporary permits.
- **Representative Sanchez’s Behavioral Health Licensing Workgroup** (2021-22)- Agency staff participated in seven meetings that explored the behavioral health workforce in Oregon and other states.
- **House Bill 3139 Implementation Workgroup** (2021-22)- Agency staff has participated in this discussion of the intent of the legislation and development of outreach and guidelines for use by behavioral health providers, youth, and adult caregivers.
- **House Bill 5006** (2021)- behavioral health licensee demographics. MHRA was required to engage a third-party consultant to study the demographics of Board licensees and devise a plan to increase licensee diversity.



# MHRA Health Care Workforce Pains and Issues

## 1. What do you consider to be timely processing of applications?

Our Key Performance Measure #4 for both Boards measures efficient application processing. Our goal is to have an average of 15 or less calendar days from completed license application file to application approval. The Boards have consistently exceeded this target. In our recently completed Annual Performance Progress Report, the Board of Psychology reported an average of 7 days, and the Board of Licensed Professional Counselors and Therapists reported an average of 2 days.

## 2. What are the biggest barriers to processing applications within 30 days

- A. Sometimes applicants do not provide complete information, which requires agency staff to follow-up. Also, applicants who report (or fail to report, and the Board finds) criminal history or other character and fitness (such as ethical misconduct in another state) issues that require a review process.
- B. Timely processing of Criminal Background Checks (CBC's) by the Oregon State Police has also been a barrier to faster processing. Typical turn-around time from OSP is 2-3 week, but in 2021 and 2022 we were seeing 2-3 months for the OSP to turn around CBC's.
- C. MHRA has been affected by staff turnover during the COVID pandemic. Recruiting and retaining competent staff has been a challenge as has been hiring time through DAS-CHRO. We have experienced failed recruitments recently and this can delay the processing of applications. Nearly 50% of our staff has contacted the COVID virus during the pandemic and acute absenteeism has at times caused delays in processing licenses.

## 3. Do you think there are opportunities for improvements if we move into compacts with other states?

Not necessarily. In September 2016, the Board of Psychology requested a qualified legal opinion from our AAG-DOJ on PSYPACT. There were significant constitutional legal challenges facing the BOP at that time should it decide to join a PSYPACT. There continues to be interest among BOP and BLPCT licensees to join a PSYPACT or a COMPACT, but legal challenges remain. In September 2022, the BOP has requested from our AAG-DOJ an updated legal opinion and will evaluate the pros and cons of a PSYPACT as we move into 2023. Many states have lesser licensing/vetting standards than Oregon. The bottom line is that the Boards still need to complete their due diligence to ensure the ethical delivery of mental and behavioral health services to Oregonians.