

# House Bill 2114

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Mental Health Regulatory Agency)

## 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**.

Authorizes Oregon Board of Psychology to assess costs associated with disciplinary action to person against whom disciplinary action is taken.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to Oregon Board of Psychology; creating new provisions; amending ORS 675.110; and pre-  
3 scribing an effective date.

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

5 **SECTION 1.** ORS 675.110 is amended to read:

6 675.110. In addition to the powers otherwise granted under ORS 675.010 to 675.150, the Oregon  
7 Board of Psychology has all powers necessary or proper to:

8 (1) Determine qualifications of applicants to practice psychology in this state, prepare, conduct  
9 and grade examinations and license qualified applicants who comply with the provisions of ORS  
10 675.010 to 675.150 and the rules of the board.

11 (2) Grant or deny renewal of licenses and renew licenses that have lapsed for nonpayment of the  
12 renewal fee, subject to the provisions of ORS 675.010 to 675.150.

13 (3) Suspend or revoke licenses, subject to ORS 675.010 to 675.150.

14 (4) Issue letters of reprimand and impose probationary periods with the authority to restrict the  
15 scope of practice of a licensed psychologist or to require practice under supervision.

16 (5) Impose civil penalties as provided in ORS 675.070.

17 (6) Restore licenses that have been suspended or revoked or voided by nonpayment of the re-  
18 newal fee.

19 (7) Collect fees for application, examination and licensing of applicants, for renewal of licenses  
20 and for issuance of limited permits and use the fees to defray the expenses of the board as provided  
21 in ORS 675.140.

22 (8) Collect a delinquent renewal fee for licenses renewed after the deadline for renewal but be-  
23 fore the grace period for renewal has expired.

24 (9) Investigate alleged violations of ORS 675.010 to 675.150.

25 (10) Issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affir-  
26 mations to witnesses, conduct hearings and require the production of relevant documents in all  
27 proceedings pertaining to the duties and powers of the board.

28 (11) Enforce ORS 675.010 to 675.150 and exercise general supervision over the practice of psy-  
29 chology in this state.

30 (12) Adopt a common seal.

**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 (13) Formulate a code of professional conduct for the practice of psychology giving particular  
2 consideration to the Ethical Standards of Psychologists promulgated by the American Psychological  
3 Association.

4 (14) Establish standards of service and training and educational qualifications for rendering  
5 ethical psychological services in this state, including the formulation of standards for the issuance  
6 of licenses for areas of special competence.

7 (15) Formulate and enforce continuing education requirements for duly licensed psychologists  
8 to ensure the highest quality of professional services to the public.

9 (16) Deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the  
10 renewal fee, unless the applicant completes, or provides documentation of previous completion of:

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

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

14 (17) **Assess costs associated with a disciplinary action to the person against whom the**  
15 **board takes the disciplinary action, as follows:**

16 (a) **For total costs not greater than \$3,000, the board may not assess any costs.**

17 (b) **For total costs greater than \$3,000 but not greater than \$6,000, the board may assess**  
18 **up to 50 percent of the total costs.**

19 (c) **For total costs greater than \$6,000, the board may assess up to 100 percent of the**  
20 **total costs.**

21 [(17)] (18) For the purpose of requesting a state or nationwide criminal records check under ORS  
22 181A.195, require the fingerprints of a person who is:

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

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

25 (c) Under investigation by the board.

26 [(18)] (19) Prescribe, in consultation with the Oregon Board of Licensed Professional Counselors  
27 and Therapists, the duties of the Director of the Mental Health Regulatory Agency.

28 [(19)] (20) Subject to the applicable provisions of ORS chapter 183, adopt reasonable rules to  
29 carry out the provisions of ORS 675.010 to 675.150.

30 **SECTION 2. The amendments to ORS 675.110 by section 1 of this 2021 Act apply to dis-**  
31 **ciplinary actions taken on or after the operative date specified in section 3 of this 2021 Act.**

32 **SECTION 3. (1) The amendments to ORS 675.110 by section 1 of this 2021 Act become**  
33 **operative on January 1, 2022.**

34 (2) **The Oregon Board of Psychology may take any action before the operative date**  
35 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**  
36 **on and after the operative date specified in subsection (1) of this section, all of the duties,**  
37 **functions and powers conferred on the board by the amendments to ORS 675.110 by section**  
38 **1 of this 2021 Act.**

39 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
40 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**