



# **Oregon Mental Health Regulatory Agency**

2023-25

## **Joint Committee on Ways and Means Reference Materials**

**Oregon Board of Psychology**  
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## **Agency Mission, Goals, & Historical Perspective**

The Mental Health Regulatory Agency (MHRA) was created to protect the public from harm by providing administrative and regulatory oversight to two regulated boards that oversee mental health professions in the State:

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

MHRA's 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; and
- Performance and standard setting functions.

The boards maintain their own separate authority for:

- Complaint investigations;
- Regulatory enforcement;
- Establishment and collection of fees;
- Licensing criteria including education, training and examination; and
- Practice standards including the adoption of a code of ethics.

MHRA is under the supervision and control of one Executive Director who is responsible for the performance of the duties, functions and powers, and organization of the Agency. The Agency is 100% supported by “Other Funds” generated from licensing renewals, fees, and civil penalties, except that in 2021 MHRA received a one-time General Funds allocation of \$300,000 to conduct a demographic study per HB 5006.

The requested 2023-25 budget will allow MHRA to effectively staff and administer the two Boards to ensure they continue to meet their public protection mandates. The budget was reviewed to meet the needs of the agency and its stakeholders. Primary costs are related to staffing needs to meet the increasing workload. The Boards have faced a continued growing number of licensure applications received, license renewals processed, and compliance investigations.

### Board of Psychology Mission

Promote, preserve, and protect the public health and welfare by ensuring the ethical and legal practice of psychology.

## Board of Licensed Professional Counselors and Therapists Mission

Protect the health and well-being of Oregon citizens by setting a strong, ethical standard of practice through the regulation of Licensed Professional Counselors and Licensed Marriage and Family Therapists.

## Historical Context

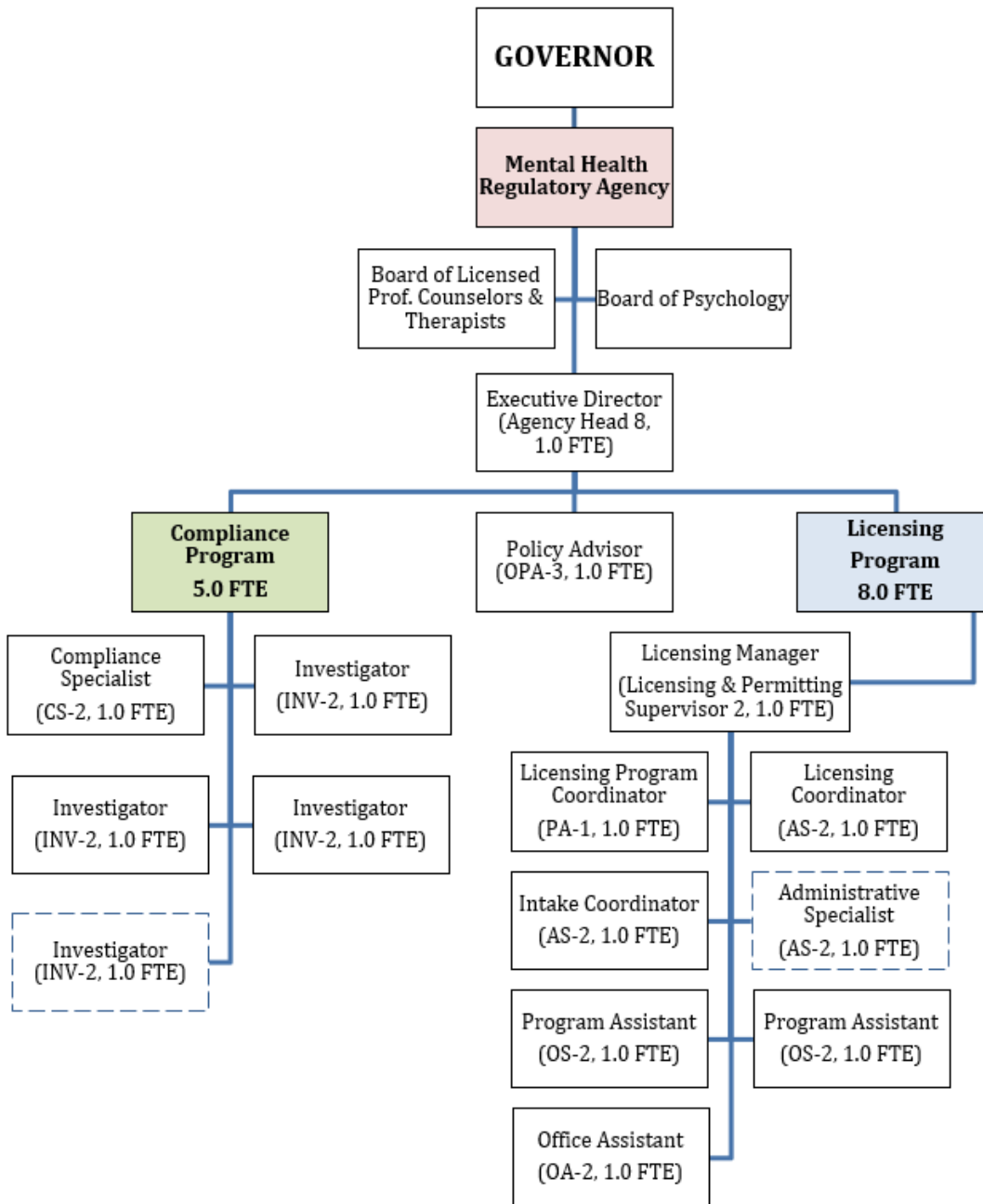
- The Board of Psychology, formerly the Board of Psychologist Examiners, was established (SB 92): **1963**
- The Board of Licensed Professional Counselors and Therapists was established (SB 698): **1991**
- BOP/BLPCT Inter-Agency Agreement (“Pilot Project”): **2013 - 2018**
  - Shared management staff and resources as feasible
  - Boards retain separate identity, funding, and operations
  - Maintain independence and confidentiality of investigative, licensing and regulatory functions
- Mental Health Regulatory Agency (HB 2319): **2018 – Current**
  - Oversee the two regulated boards
  - Increase administrative efficiency
  - Simplify processes & streamline operations

In October of 2013, at the recommendation of the Deputy Chief Operating Officer, Sarah Miller, the Boards entered into an interagency agreement wherein they shared management staff and resources while retaining their identities as separate boards. This “Pilot Project” was renewed for the 2015-17 biennium. During the 2015-17 budget process, the Legislature expressed interest in making this merger concept more permanent in the next biennium, and asked the boards to present a plan to ensure ongoing success. Accordingly, the Boards introduced House Bill 2319 (2017) to create the “Mental Health Regulatory Agency.” MHRA became operative in 2018 to provide for the administrative and regulatory oversight and centralized service for the two Boards. Since the passage of HB 2319, MHRA leadership has worked towards improving efficiencies, simplifying processes, and streamlining operations for the Boards who are seeing an ever-increasing volume of licensees and investigations.

## **Agency Organization**

The Agency leases office space in Salem, Oregon that houses its staff. During the COVID-19 pandemic, Agency staff shifted to working from home to the greatest extent possible. Services are delivered to Oregonians primarily electronically- through email communications and online material submission, but also via telephone. In-person services, though usually infrequent, have reconvened since the Agency office reopened to the public two years later in March 2022. Board and committee meetings and contested case hearings, which were customarily conducted in-person at the Agency office in Salem, have been conducted primarily via video conferencing software, though some members chose to attend regular board meetings in-person.

The following graphic displays the organizational structure of MHRA, as proposed for 2023-25.



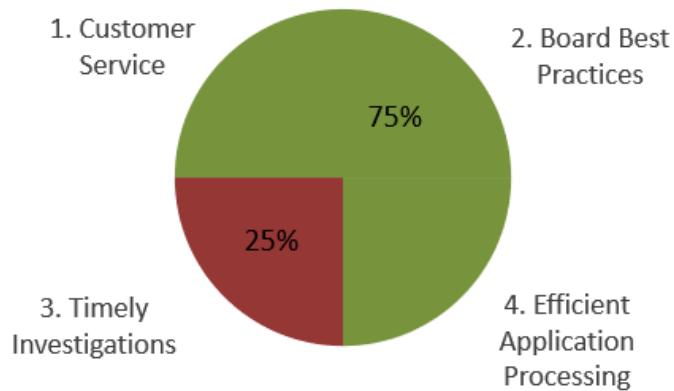
MHRA’s organizational structure includes one Executive Director who administers the two regulated boards. 7.0 FTE permanent staff are dedicated to fulfilling the administrative and licensing functions of the agency, and 4.0 FTE permanent staff, plus 1.0 FTE limited duration position, carry out the investigatory and compliance functions of the boards. As part of the 2023-25 budget, MHRA is requesting to add one new Administrative Specialist position, and to add one permanent investigator position (currently a limited duration to permanent in 2021-23). This will allow the Boards to keep up with the continued growth in the volume of licensees and complaints.

## Performance and Outcome Measures

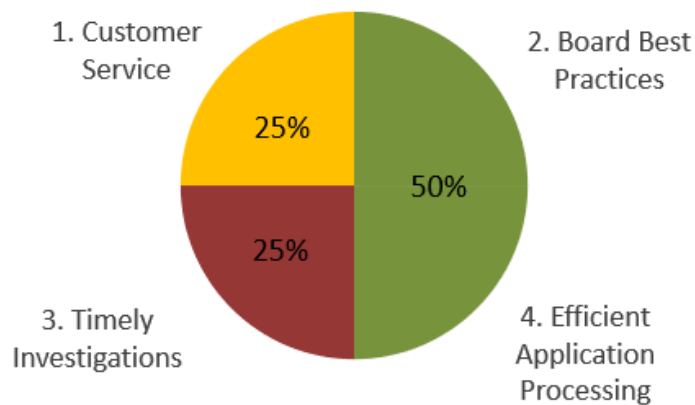
Beginning in 2020, MHRA aligned the Key Performance Measures for the two Boards so that the same data is collected and reported. The BLPCT 2021 Annual Performance Progress Reports shows that three out of four Key Performance Measures (KPMs) are currently being met within target to -5%. The BOP Report shows that KPM #1, Customer Service, is within -5% to -15% of target and is displayed yellow. Both Boards did not meet target for KPM #3, Timely Investigations.

There are no proposed KPM changes in 2023-25.

### BLPCT Summary

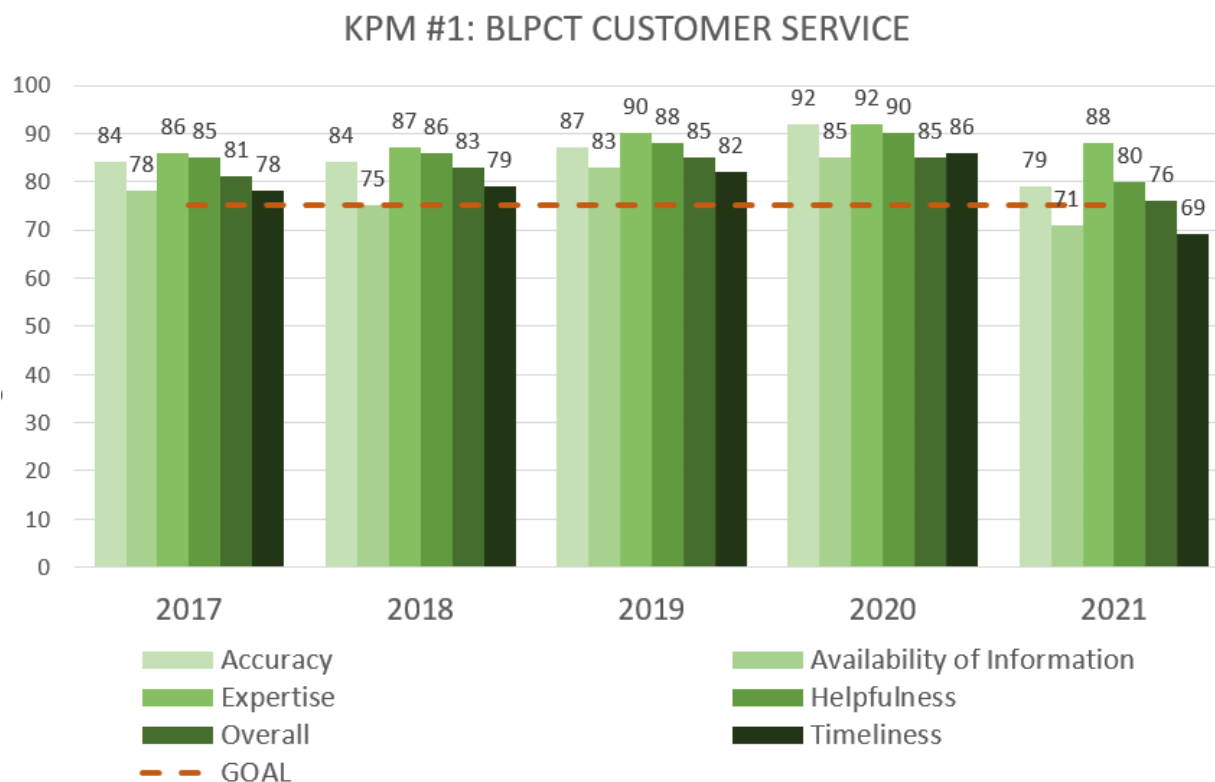


### BOP Summary



## Board of Licensed Professional Counselors and Therapists Measures

**Measure #1 - CUSTOMER SERVICE** – Percent of customers rating their satisfaction with the Agency’s customer service as “good” or “excellent.”

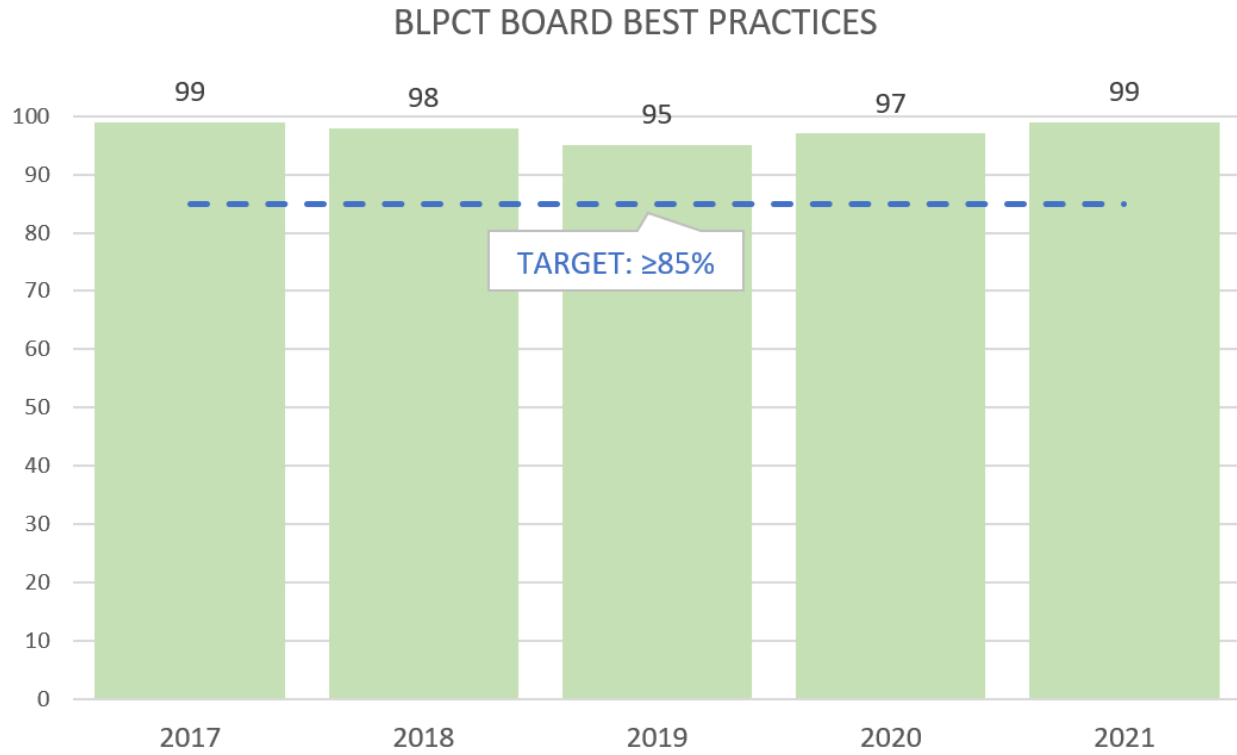


The Board exceeded its targets in four out of six areas of customer service. Overall Customer Satisfaction was 76%, one point above the target of 75%. Accuracy was 79%, 79%, four points above target. Helpfulness was 80%, four points above targets. Expertise remained the highest scored area of customer satisfaction at 88%, which reflects a four-point decrease from the prior year. Timeliness at 69% was the lowest scored area, six points below target, and unfortunately reflects the challenges faced by the Board during the COVID-19 pandemic. Finally, Availability of Information was 71%, four points below target.

The main factor affecting the 2021 survey results were the challenges of COVID-19 quarantines and death of family members, including transitioning to remote work. Also contributing to the difficulties in maintaining consistent customer service was some staffing turnover in the Board's licensing section during this time. Throughout these challenges, however, the Board has maintained customer service as a high priority. Generally, survey results reflect some stakeholders who have experienced an adverse enforcement action, do not agree with laws or rules that the Board is charged with enforcing, or are unsatisfied the policy direction of the Board or State Government in general. These individuals will often respond "poor" to each satisfaction area, regardless of their experience with Board staff. Near the end of 2020, in October the Board transitioned to a new online licensing system to replace its very old FoxPro database. There were some implementation challenges that caused delays, and some licensees struggled adapting

to a new technology. However, the system is now operating well, and overall the Board expects this change to contribute positively to future survey results.

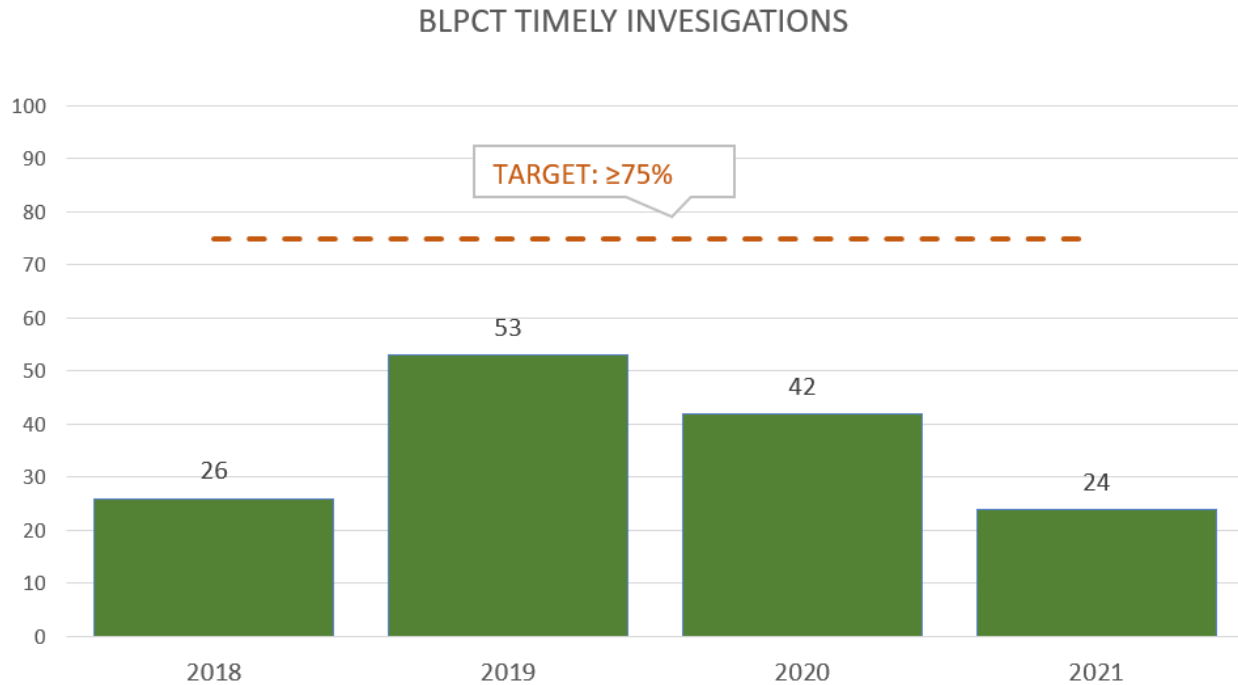
**Measure #2 - BOARD BEST PRACTICES-** Percent of total best practices met by the Board.



In the past five years, the Board has exceeded the target in Board best practices. The 2021 reporting period was 99%, which is 14 points above target, and a two-point increase from the prior year. Agency leadership continues to look for opportunities for improved performance and increased transparency, regardless of the Board members' reports of success. Board staff sends materials with this survey to help clarify the survey questions and explain how they directly relate to agency operations; however, members report on their perceptions of best practices, which could reflect aspirational rather than actual performance levels. The survey will fall below 100% if just one of the eight Board members indicates that any one of the 15 best practice measures are not being met.



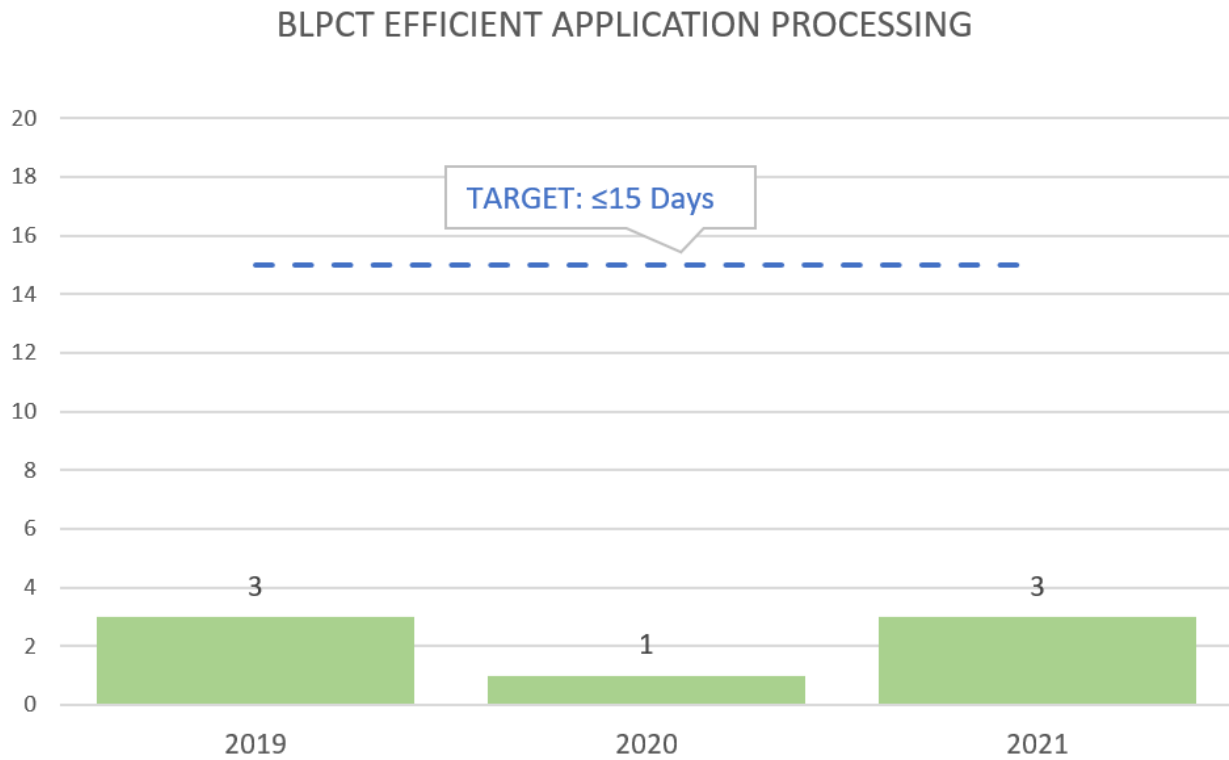
**Measure #3 - TIMELY INVESTIGATIONS** - Percent of complaints presented to the Board within 180 days of receipt.



24% of complaints were presented to the Board within 180 days of receipt, which falls significantly below the target of 75%. This represents an 18-point increase from the 42% achieved in the prior year. The Agency has set an ambitious goal to present complaint investigations to the Board within 180 days of receipt; however, there are many factors affecting our ability to expediently resolve a complaint. These include the varying complexity of cases, increasing volume of complaints received, arranging witness interviews, travel time, coordinating respondent, attorney, and witness schedules for interviews, and waiting for necessary records to be submitted (including issuing and enforcing subpoenas). Sometimes the Board receives emergency high-priority cases involving serious public protection concerns that take staff resources away from other cases.

The goal is to present a thorough and complete investigation report to the Board the first time, which often is not possible to achieve within the required 180 days. The Board meets bimonthly, so timing is a major factor as well. Particularly at issue in this reporting period was the COVID-19 pandemic, which negatively affected customer service as described under KPM #1. The Agency was approved for one additional 1.0 FTE limited duration Investigator 2 position in the 2021-23 biennium, and has been working diligently to hire and train new staff members and improve complaint-processing speed, but without compromising the integrity of the investigation process. The Board expects to show improvement in future reports with a sufficiently staffed compliance section that has adapted to the challenges of working remotely and is able to catch up on the backlog of cases.

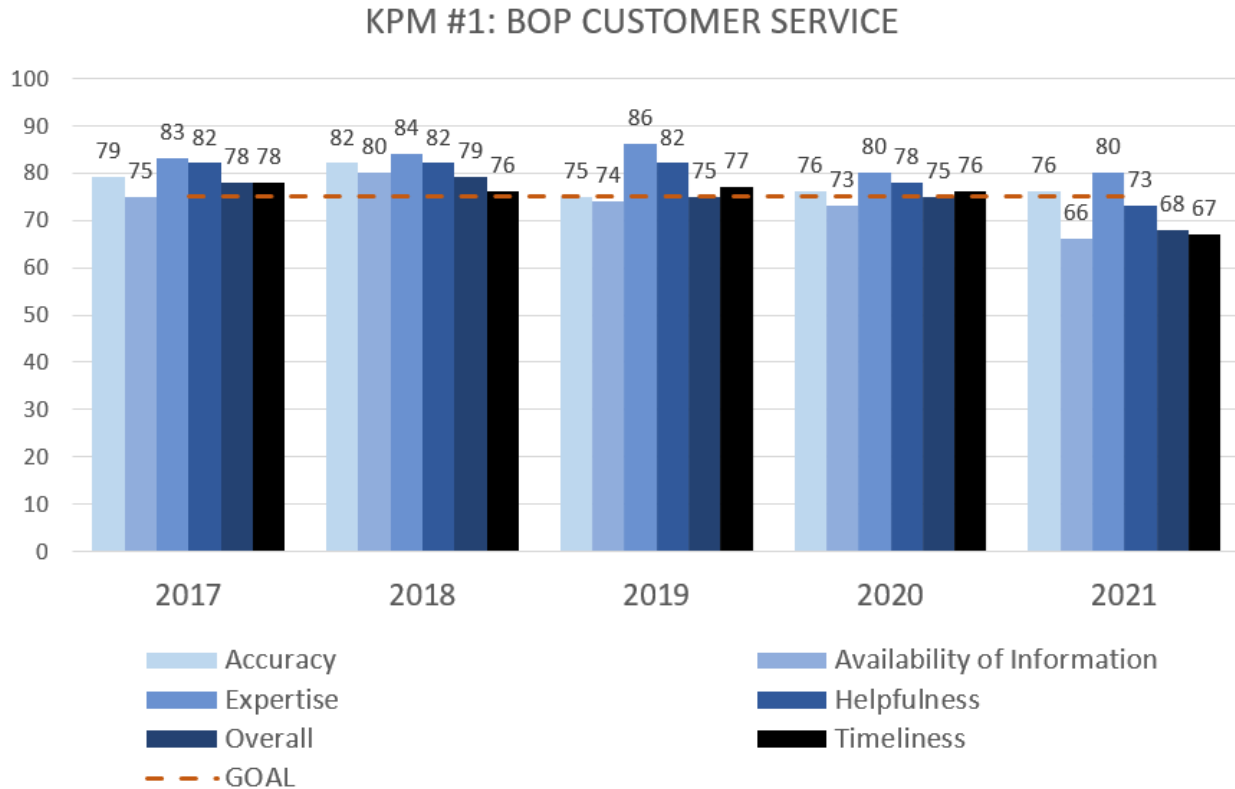
**Measure #4 - EFFICIENT APPLICATION PROCESSING** - Average number of calendar days from completed license application file to application approval.



The Board has well surpassed its goal to take an average of no more than 15 calendar days to approve a completed licensure application. For 2021, it took an average of just 3 days. As part of the new Agency organization under Mental Health Regulatory Agency, management has continued to implement streamlined processes and best-practice sharing between the two regulated boards that has enabled more efficient application processing. Additionally, the Agency has benefited from the approval of a new Licensing Manager position as part of the 2021-23 budget. Despite these good results, the Agency is still continuously looking for ways to improve, including cross-training between staff to help cover for absences and vacancies, and continuous feedback.

## Board of Psychology Measures

**Measure #1 - CUSTOMER SERVICE** – Percent of customers rating their satisfaction with the Agency’s customer service as “good” or “excellent.”

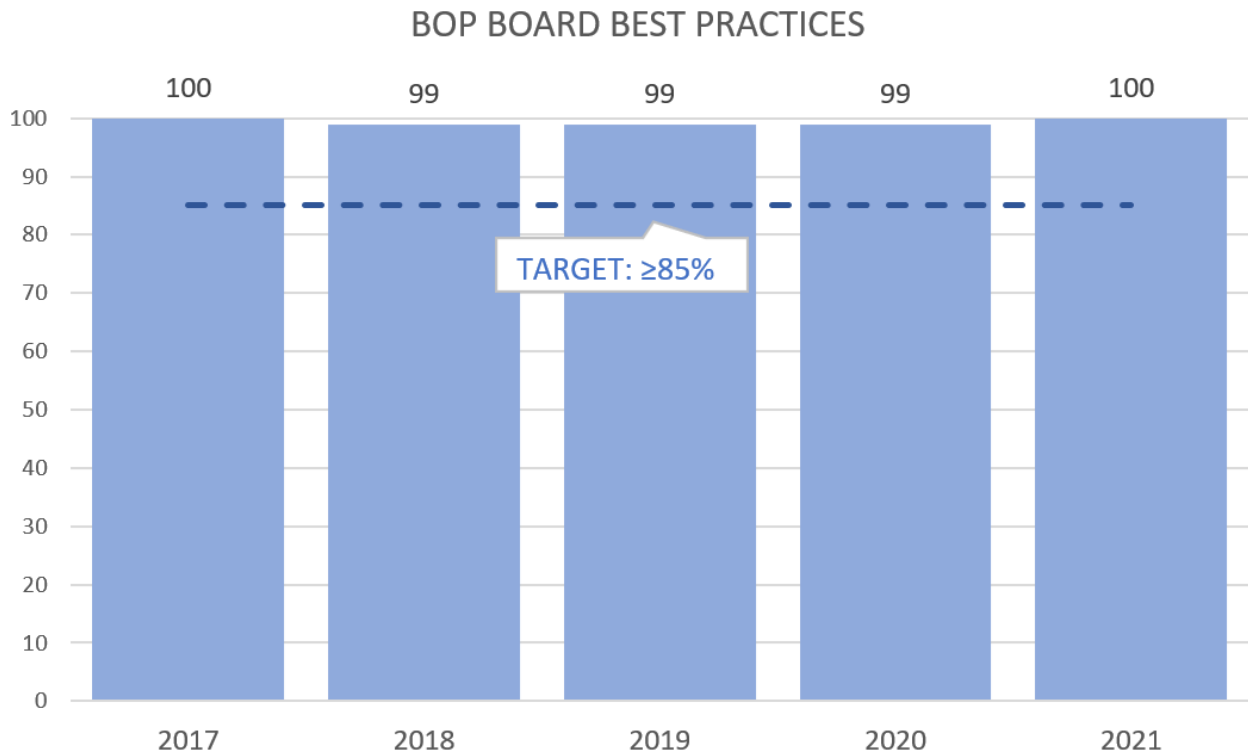


The Board met or exceeded two out of six targets in the areas of customer service: Accuracy and Expertise. Overall Customer Satisfaction decreased from 75% in 2020 to 68% in 2021, which is 7 points below target. From 2020 to 2021, Accuracy remained the same at 76%, one point above target. Helpfulness decreased from 78% to 73%, now two points below target. Expertise stayed the same at 80%, which is five points above target, and has remained the highest ranked area of customer satisfaction for five years. Timeliness decreased by nine points from 76% to 67%, and is now eight points below target. Finally, Availability of Information decreased by seven points from 73% to 66%, and is the lowest ranked area of customer satisfaction for 2021.

The main factor affecting the 2021 survey results is the COVID-19 pandemic. Board staff was forced to quickly adjust to working remotely, a rapid transition that no one expected or was prepared for. This included obtaining new equipment and adopting new policies and procedures to allow for telework. Board staff also faced the challenges of COVID-19 quarantines and death of family members, destructive wildfires that forced evacuations, and the continued trauma resulting from political unrest. Also contributing to the difficulties in maintaining consistent customer service was some staffing turnover in the Board's licensing section during this time. Throughout these challenges, however, the Board has maintained customer service as a high priority. Generally, survey results reflect some stakeholders who have experienced an adverse enforcement action, do not agree with laws or rules that the Board is charged with enforcing, or

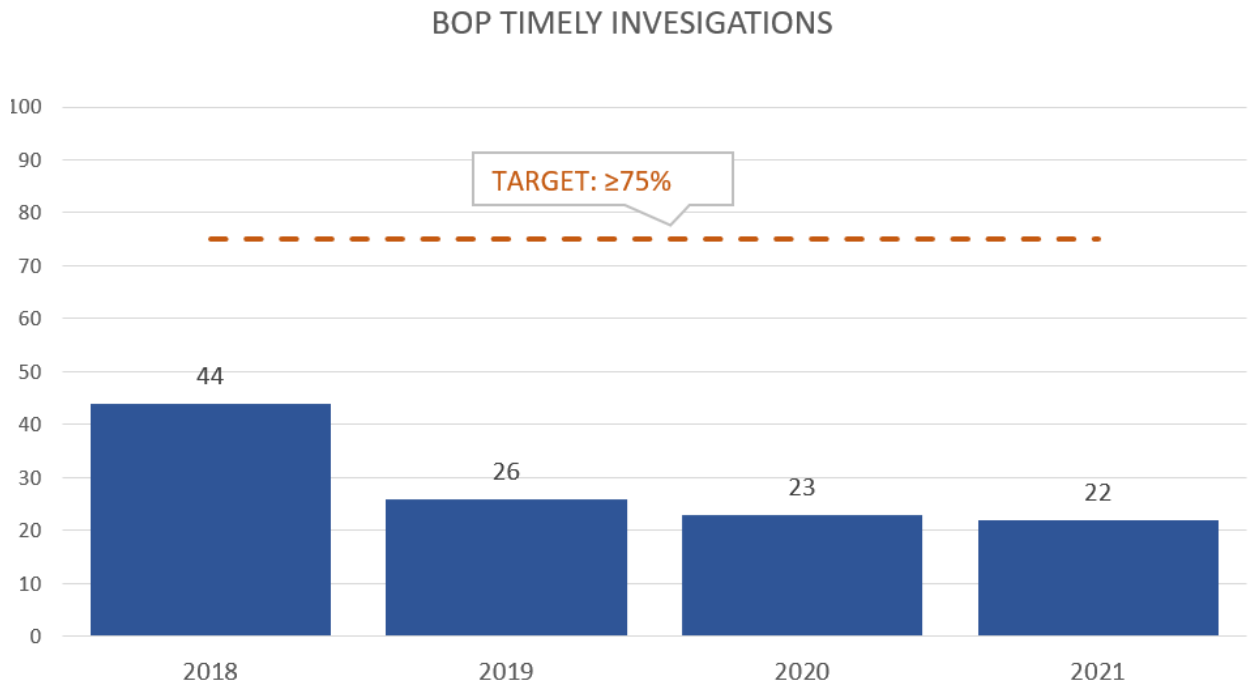
are unsatisfied the policy direction of the Board or State Government in general. These individuals will often respond "poor" to each satisfaction area, regardless of their experience with Board staff. In 2021, the Agency transitioned to a new online licensing system and replaced some very manual, outdated process that have historically adversely impacted this Board. While some stakeholders have struggled adapting to a new technology, overall the Board expects this change to contribute positively to the future survey results.

**Measure #2 - BOARD BEST PRACTICES-** Percent of total best practices met by the Board.



In the past five years, the Board has exceeded the target in Board best practices. The score for the 2021 reporting period was 100%, which represents a one-point increase from the 2020 reporting period, and is now 15 points above target. Agency leadership continues to look for opportunities for improved performance and increased transparency, regardless of the Board members' reports of success. Board staff sends materials with this survey to help clarify the survey questions and explain how they directly relate to agency operations; however, members report on their perceptions of best practices, which could reflect aspirational rather than actual performance levels. The survey will fall below 100% if just one of the nine Board members indicates that any one of the 15 best practice measures are not being met.

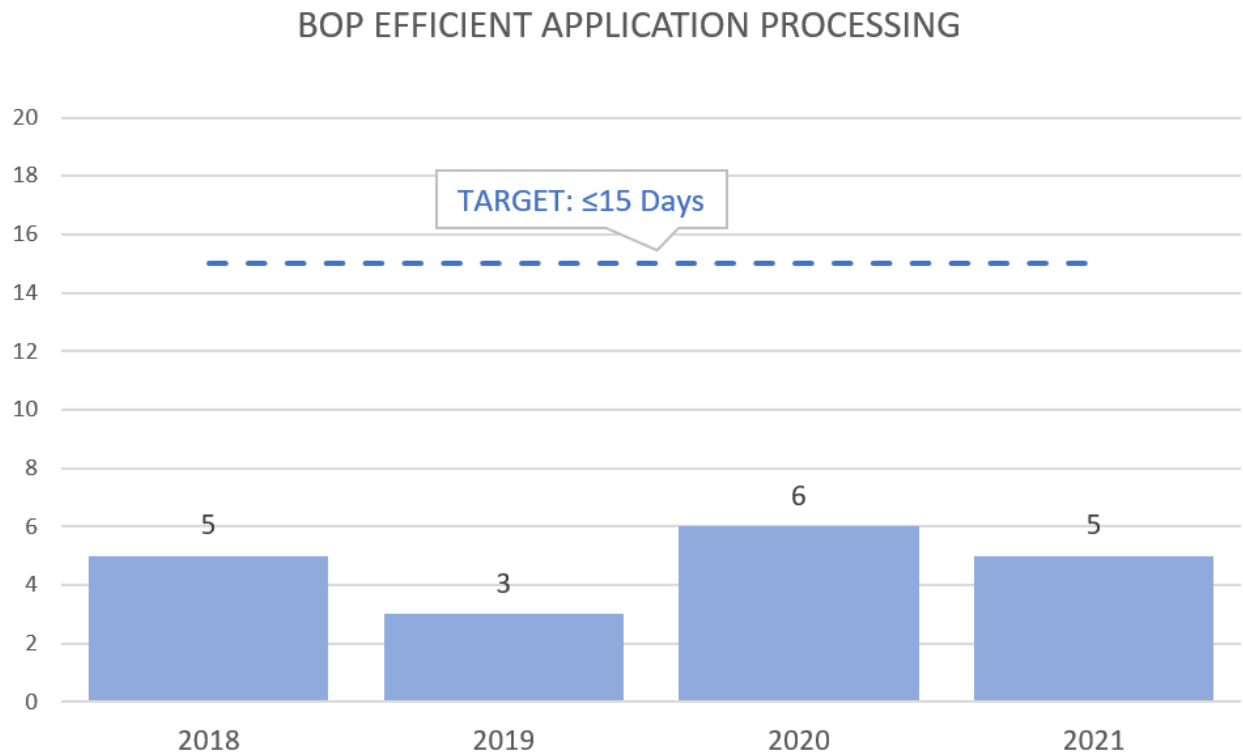
**Measure #3 - TIMELY INVESTIGATIONS** - Percent of complaints presented to the Board within 180 days of receipt.



For the 2021 reporting year, 22% of complaints were presented to the Board within 120 days of receipt, which falls significantly below the target of 75%. This represents a one-point decrease from the 23% achieved in the prior year. The Agency has set an ambitious goal to present complaint investigations to the Board within 180 days of receipt; however, there are many factors affecting our ability to expediently resolve a complaint. These include the varying complexity of cases, increasing volume of complaints received, arranging witness interviews, travel time, coordinating respondent, attorney, and witness schedules for interviews, and waiting for necessary records to be submitted (including issuing and enforcing subpoenas). Sometimes the Board receives emergency high-priority cases involving serious public protection concerns that take staff resources away from other cases.

The goal is to present a thorough and complete investigation report to the Board the first time, which often is not possible to achieve within 180 days. The Board meets bimonthly, so timing is a major factor as well. Particularly at issue in the current reporting period was the COVID-19 pandemic, which negatively affected customer service as described under KPM #1. The Agency was approved for one additional 1.0 FTE limited duration Investigator 2 position in the 2021-23 biennium, and has been working diligently to hire and train new staff members and improve complaint-processing speed, but without compromising the integrity of the investigation process. The Board expects to show improvement in future reports with a sufficiently staffed compliance section that has adapted to the challenges of working remotely and is able to catch up on the backlog of cases.

**Measure #4 - EFFICIENT APPLICATION PROCESSING** - Average number of calendar days from completed license application file to application approval.



The Board has surpassed its goal to take an average of no more than 15 calendar days to approve a complete licensure application. In 2021, it took an average of 5 days, which represents a one-day improvement over the prior year. As part of the new Agency organization under Mental Health Regulatory Agency, management has continued to implement streamlined processes and best-practice sharing between the two regulated boards that has enabled more efficient application processing. Additionally, MHRA has benefited from the approval of a new Licensing Manager position as part of the 2021-23 budget. Despite these good results, MHRA is still continuously looking for ways to improve, including the new online licensing system, cross-training between staff to help cover for absences and vacancies, and continuous feedback.

### Summary of Programs

- Licensing
  - Determine qualifications for licensure (education, exam, experience)
  - Issue and renew licenses
  - Continuing education
  - Forms, fees, and consumer outreach
- Compliance
  - Code of Ethics / Statutes / Administrative Rules
  - Investigate consumer complaints (unethical / unprofessional / unlicensed practice)
  - Board review and vote on enforcement action
  - Settlements / Contested Case Hearings / Appeals

## Populations Served

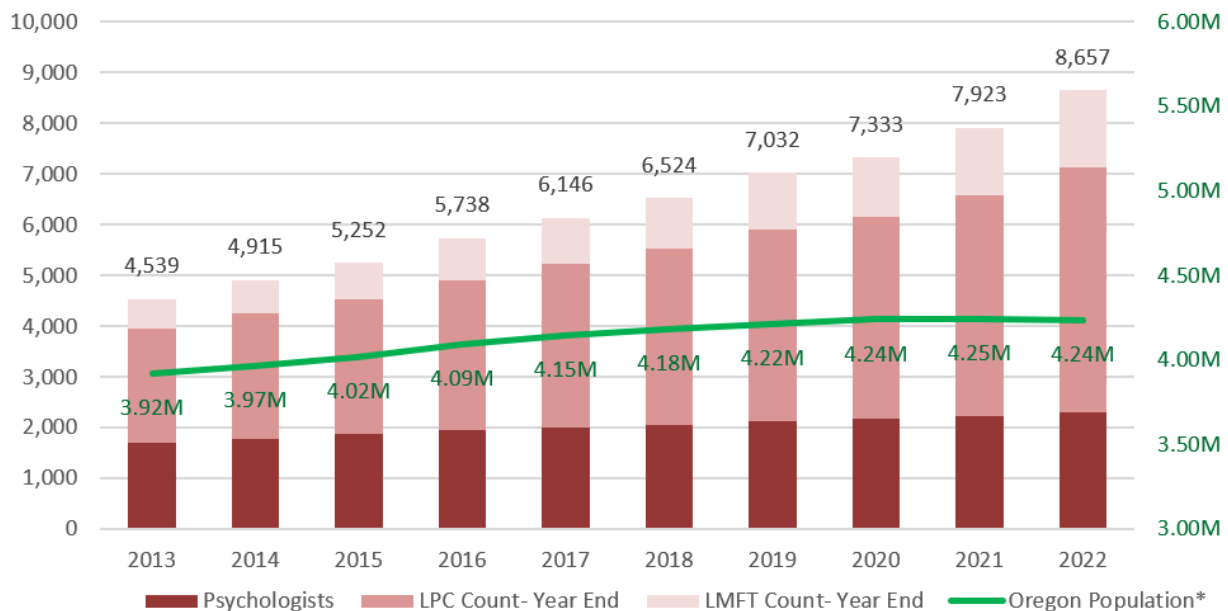
The following graphic displays the total count of licensees, residents, and registered associates at year-end 2022.

Year End 2022		
Board	License Type	Count
Board of Psychology	Psychologists*	2,296
	Psychologist Associates	23
	Residents*	91
Board of Licensed Professional Counselors and Therapists	Licensed Professional Counselors	4,814
	Licensed Marriage and Family Therapists	1,524
	Registered Associates	1,811
<b>TOTAL:</b>		<b>10,559</b>

MHRA oversees 8,657 licensed practitioners (psychologists, psychologist associates, LPCs, and LMFTs) and 1,902 pre-licensed individuals working towards licensure (residents and registered associates). \*Note that psychologists and psychologist residents are doctoral-level practitioners, and the others have earned master's degrees.

The following graphic displays volume of MHRA licensees (total count at year end) as compared to the Oregon population overall.

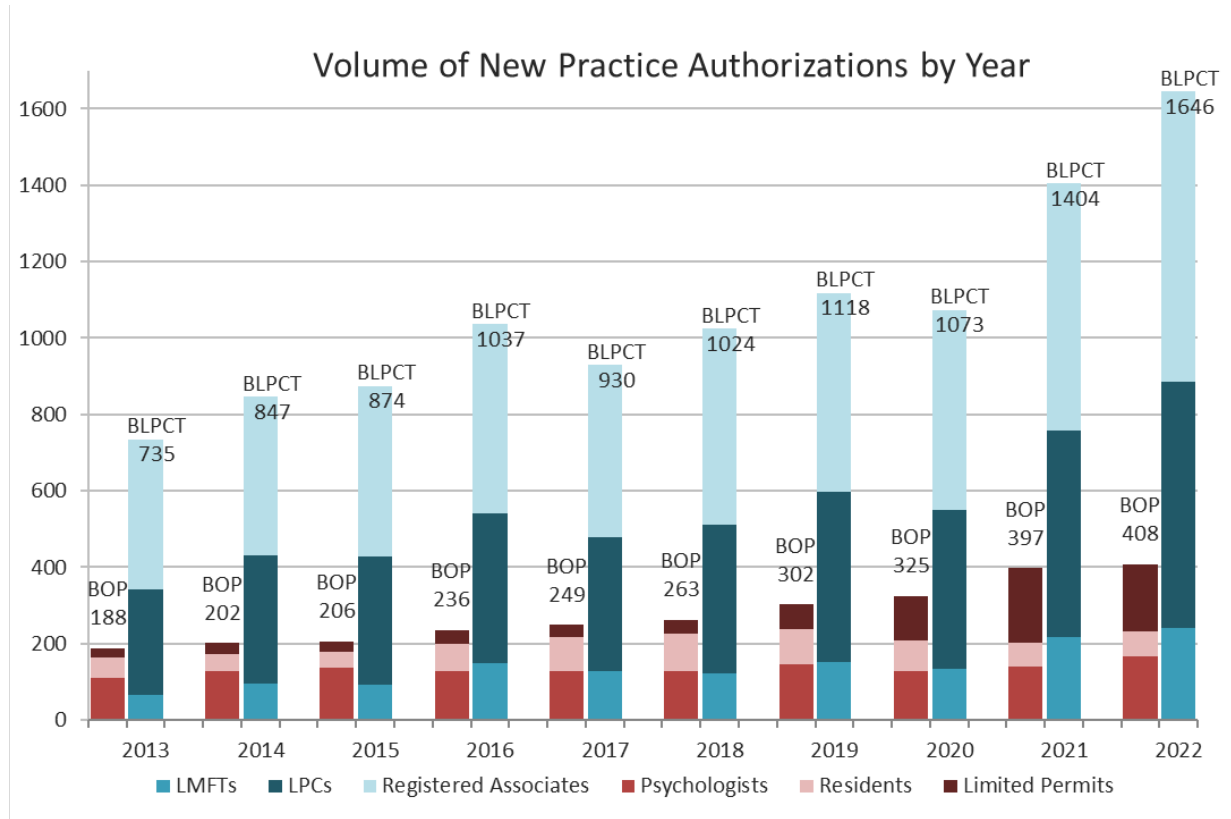
Growth: Oregon Population & MHRA Licensees



\*Source: U.S. Census Bureau Population Estimates Program data by State

In 2013, there were 865 Oregonians per MHRA licensee. Ten years later, in 2022, there were 490 Oregonians per BLPCT licensee. **We have nearly doubled the availability of licensed mental health providers in the state over the past decade, growing an average 7.4% per year in licensee base.**

The following graphic displays the volume of new licenses, associate registrations, residents, and limited permits issued over the last 10 years, by Board.

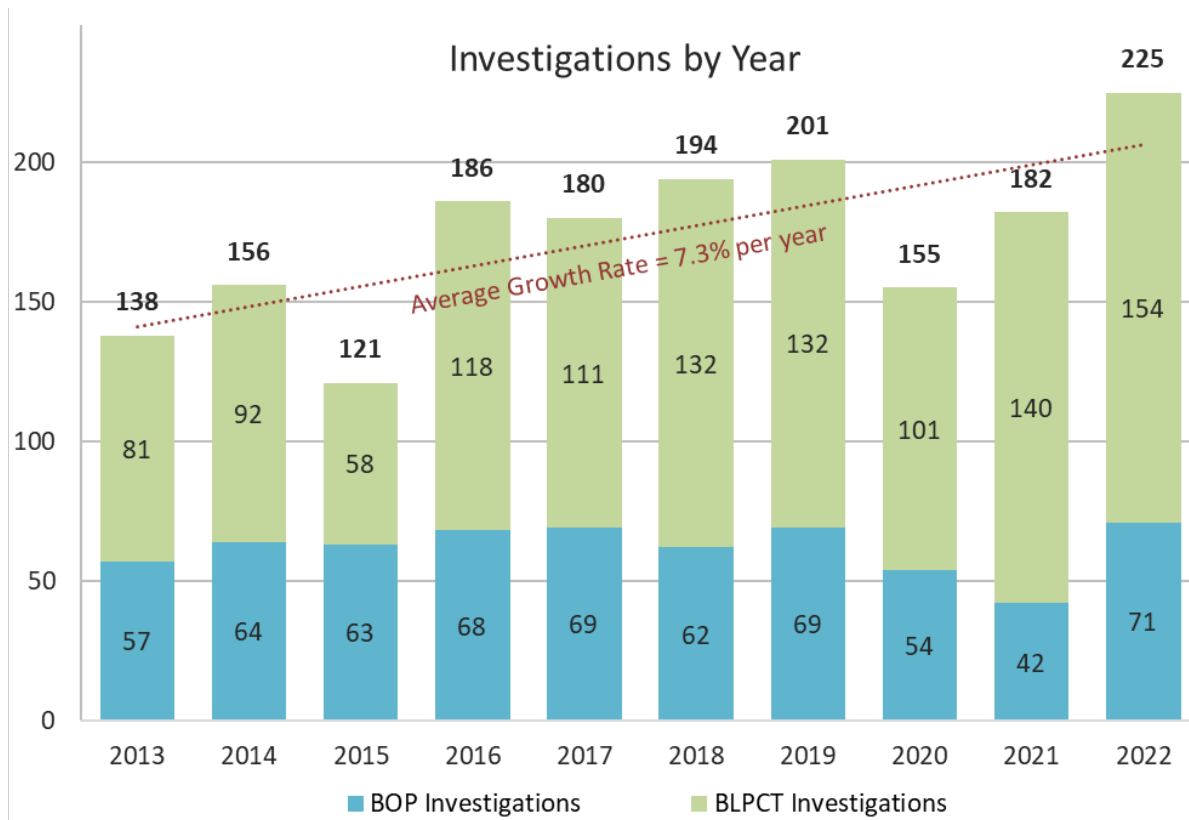


BLPCT has grown an average of 10.0% per year in the volume of new authorizations issued. In 2022, there were 644 new LPCs, 242 new LMFTs, and 760 new registered associates including 645 professional counselor associates and 115 marriage and family therapist associates.

BOP has grown an average of 9.2% per year in the volume of new authorizations issued. In 2022, there were 165 new psychologists and 66 new psychologist residents. The Board also issued 177 limited permits. Much of this growth is attributable to the larger than typical volume of permits issued during the pandemic, which is now beginning to decline. In the prior year 2021, an all time high of 194 permits were issued.



The following graphic displays the volume of investigations received each year by the Boards.



There was an unusual decline in investigations in 2020, likely attributable to the pandemic. In 2022 the Boards saw a record high volume of cases.

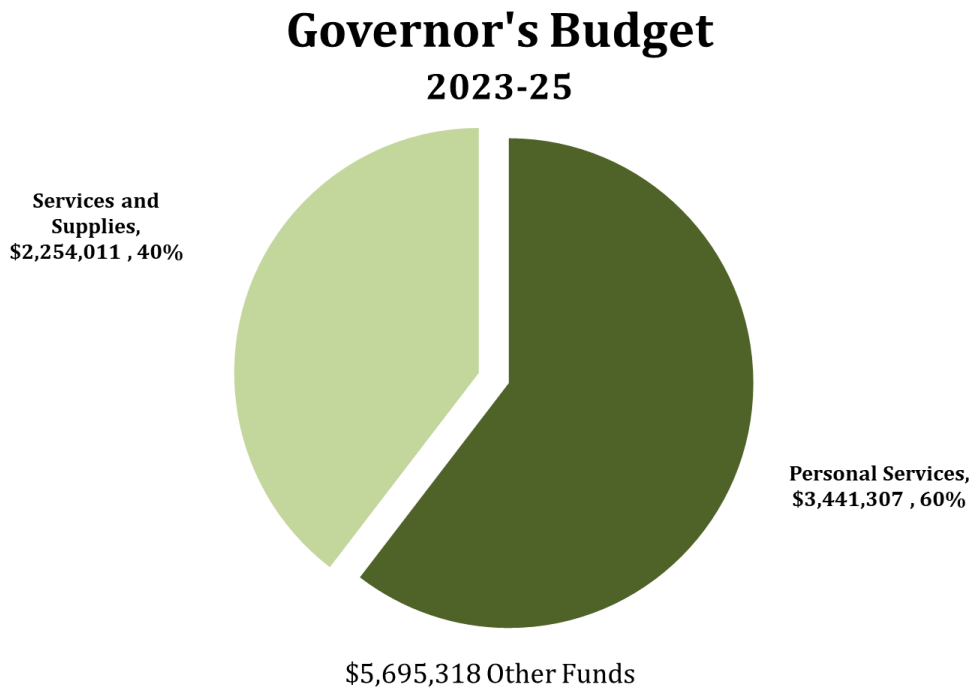
### Key Partners

- Other state agencies, including:
  - Department of Justice (DOJ)- legal support services
  - Governor’s Office- executive appointments, budget, DEI
  - Department of Administrative Services (DAS)- accounting, IT support, human resources, procurement, enterprise information, website, and payroll
  - Oregon State Police- criminal background check processing and CJIS clearance
  - Oregon Secretary of State- administrative rules
  - Department of Revenue- agency debt collection
  - Office of Administrative Hearings- contested case hearings
- Oregon State Legislature- laws affecting the agency and budgetary resources
- Legislative Fiscal Office- legislative process
- Professional Associations, including:
  - Oregon Psychological Association (OPA)
  - Oregon Counseling Association (ORCA)
  - Coalition of Oregon Professional Associations for Counseling and Therapy (COPACT)
  - Oregon Association for Marriage and Family Therapy (OAMFT)
  - American Association for Marriage and Family Therapy (AAMFT)

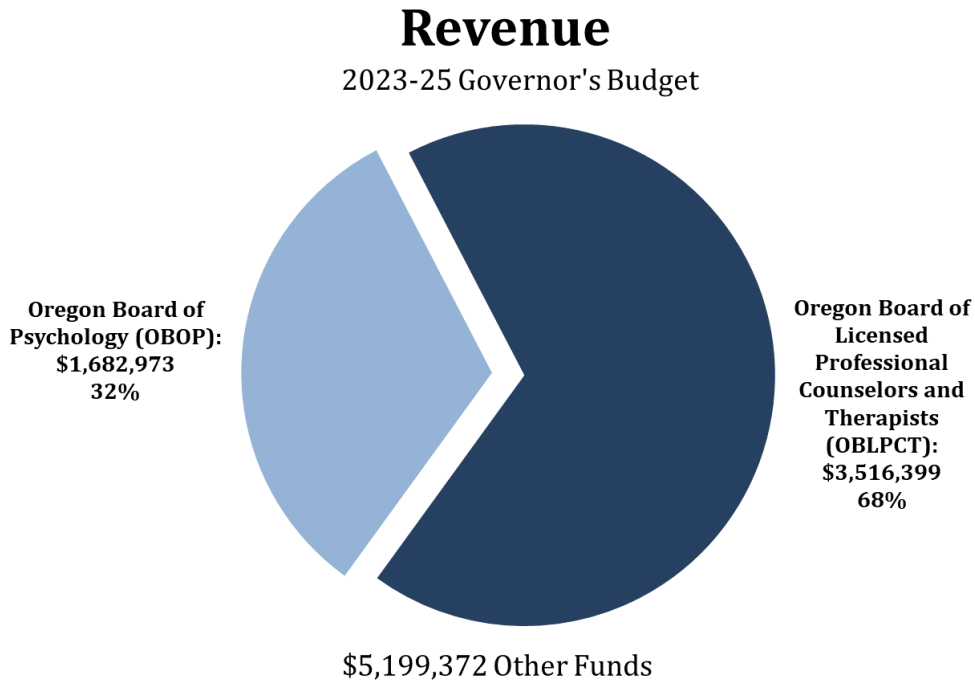
- American Psychological Association (APA)
- National Board Associations, including:
  - Association of State and Provincial Psychology Boards (ASPPB)
  - National Board for Certified Counselors (NBCC)
- Universities with graduate programs in mental health fields- professional pipeline
- Other jurisdictional psychology, counseling, and marriage and family therapy licensing bodies
- Other Oregon health related licensing boards
- Department of Health and Human Services- federal databases for discipline reporting
- The Conference on Licensing, Enforcement and Regulation (CLEAR)
- NIC USA- payment processing and web services
- Fieldprint, Inc.- fingerprint processing services
- Thentia- licensing system
- FBI- CJIS clearance and audits

## Major Budget Information

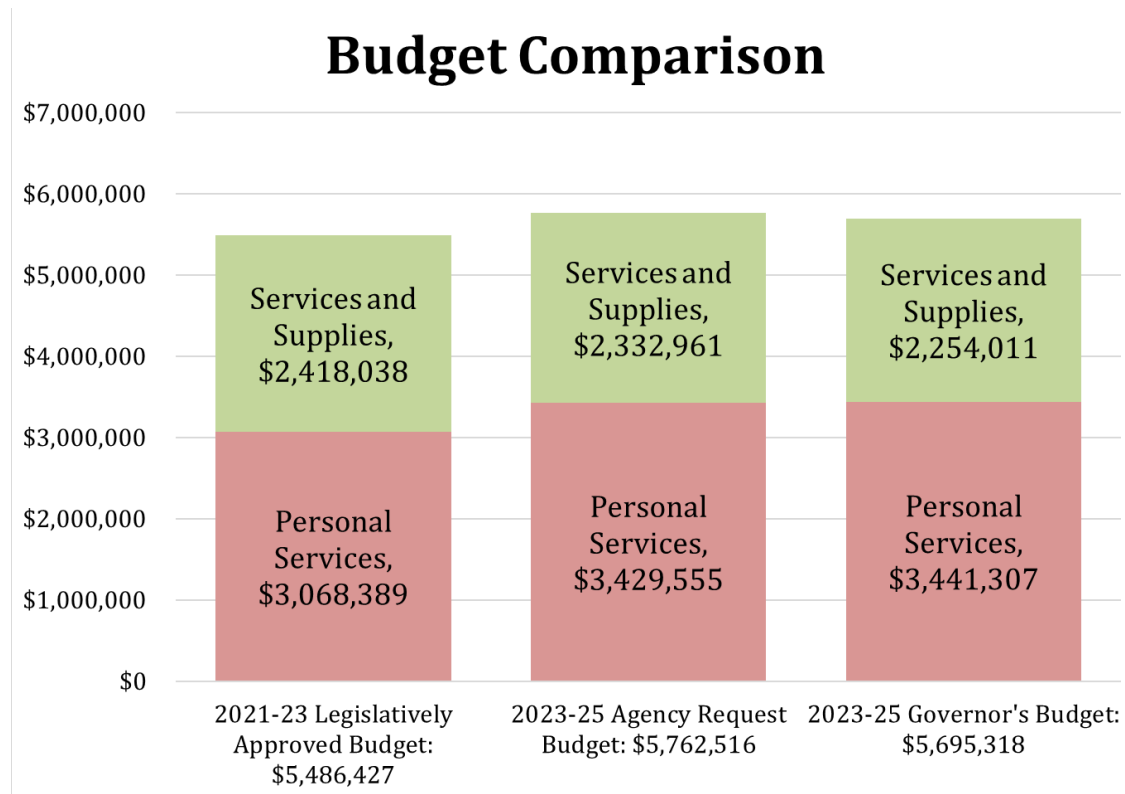
### Expenditure Limitation



Revenue by Board



Budget Comparison



## Fee Information

Following is the Board of Psychology fee schedule for the 2023-25 biennium. The proposed fee modifications that are part of MHRA's Package 090 are included next to the current fees.

- Application for Licensure: \$325
- Criminal Background Check: Actual cost assessed by the Oregon State Police and Federal Bureau of Investigation; currently \$46.25
- Jurisprudence Examination: \$155
- Biennial License Renewals:
  - Active Status License: \$780 (*Proposed: \$600*)
  - Semi-Active Status License: \$390 (*Proposed: \$300*)
  - Inactive Status License: \$105 (*Proposed: \$90*)
- Limited Permit: \$120
- Miscellaneous Fees:
  - Certified verification of licensure: \$5
  - Certified transfer of application information: \$20
  - Student loan deferment letter: \$5
  - Duplicating request: \$2.50 for the first five copies; \$.25 for each copy thereafter
  - Laws and administrative rules: \$5
  - Electronic file of mailing labels: \$35
  - Application packet, including laws and administrative rules: \$10
  - Duplicate wall display certificate of licensure: \$12
  - Certified duplicate license: \$10
  - Cumulative disciplinary report: \$7.50

Following is the Board of Licensed Professional Counselors and Therapists fee schedule for the 2023-25 biennium. The proposed fee modifications that are part of MHRA's Package 090 are included next to the current fees.

- Application for Licensure: \$175
- Criminal Background Check: Actual cost assessed by the Oregon State Police and Federal Bureau of Investigation; currently \$46.25
- Initial License: \$125 (*Proposed: \$115*)
- Annual License Renewal:
  - Active Status License: \$165 (*Proposed: \$145*)
  - Inactive Status License: \$100 (*Proposed: \$90*)
- Annual Associate Registration Renewal: \$120 (*Proposed: \$105*)
- Restoration fees:
  - Delinquent fee for late renewals: \$50
  - Reactivation of inactive status license: \$125
- Duplicate license or certificate of licensure: \$5

- Verification of licensure or examination scores for applicant or licensee to other licensing or certifying agencies: \$10

The Agency is proposing to add a new \$100 limited permit fee for BLPCT, which is part of Package 102 and Legislative Concept 0350.

### Major Agency Changes

The following is a summary of major changes occurred at the MHRA over the past six years.

#### 2017-19

- MHRA established via HB 2319 (2017), effective 2018
- Significant work towards implementation and streamlining of operations
- Move to shared office space

#### 2019-21

- New Licensing System
  - Online Applications, Application Tracking, Renewal, Fee Payment, Complaint Form
  - Automated email notices and reminders
  - Efficiency, accuracy, & service timeliness

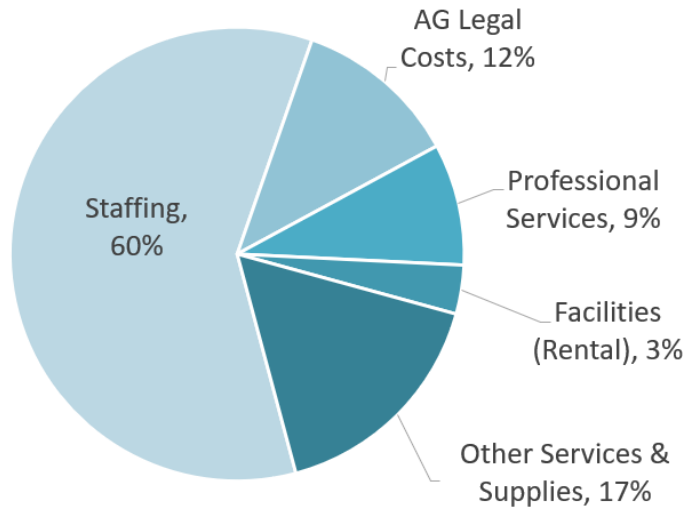
#### 2021-23

- Continued Development of Licensing System
- Diversity Study (HB 5006, 2021) / Addressing Barriers to Licensure

### Budget Drivers & Risks

- 100% Other Funds. Major drivers:
  - Personal Services: Staffing (60%)
  - Attorney General Legal Costs (12%)
  - Professional Services (9%; includes items such as expert witnesses and office of administrative hearing costs for contested cases)
- Risks:
  - Case Fluctuation
  - Limited Staffing & Impact of Turnover
- There are no planned information technology or capital construction projects
- There are no significant issues that remain unresolved for 2021-23
- There were no long-term vacancies in 2021-23

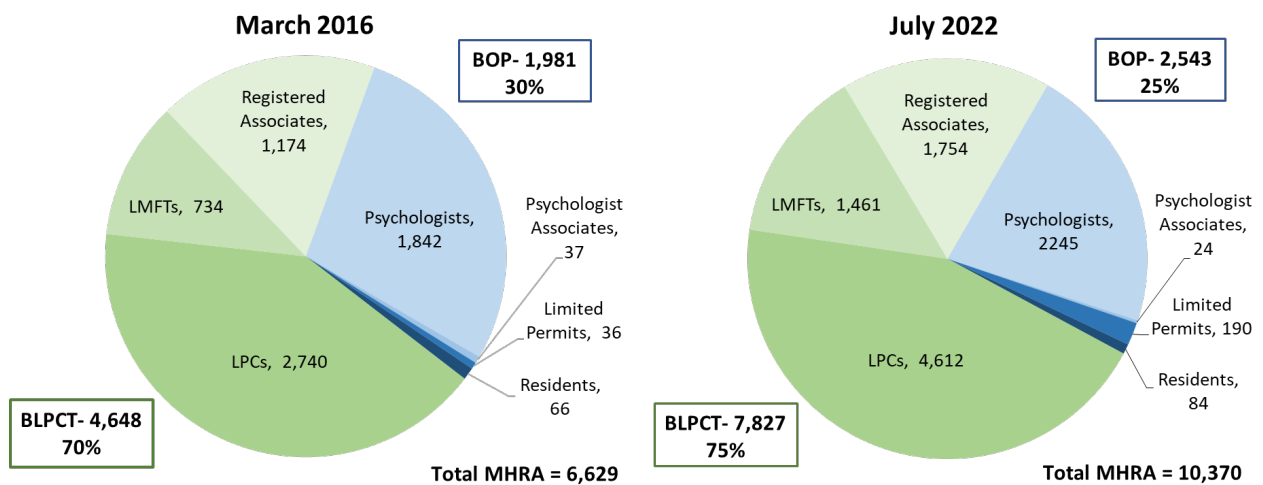
### Major Budget Drivers



### Policy Option Packages

#### Package 090

This package adds \$11,752 in Personal Services expenditure limitation for Board member per diem, which was missed as part of Package 010. It also adjusts the cost allocation model that currently appropriates certain shared expenditures between the Boards. It shifts the split from 70% BLPCT / 30% BOP to a 75% BLPCT / 25% BOP, to adjust for the fact that BLPCT is growing at a faster rate than BOP and thereby requiring more resources. The following graphic displays how the licensing base has shifted since the last cost allocation rate was calculated.



This modified arrangement sets forth a more equitable distribution of the cost of shared resources. Please note that this does not request any additional expenditure limitation, but rather it shifts a total of \$ 287,794 from BLPCT to BOP for the 2023-25 biennium.

Finally, Package 090 requests to reduce licensing fees beginning in the 2023-25 biennium. Accordingly, the Boards’ budgets need to include adjustments that reduce expected revenues by \$377,835 for BLPCT and by \$344,576 for BOP. The proposed fee modifications are as follows:

<b>Board of Licensed Professional Counselors and Therapists</b>			
<b>Fee Type</b>	<b>Current</b>	<b>Proposed</b>	<b>Change</b>
Active License Annual Renewal	\$165	\$145	-12%
Inactive License Annual Renewal	\$100	\$90	-10%
Initial License	\$125	\$115	-8%
Registered Associate Annual Renewal	\$120	\$105	-13%
Temporary Practice Authorization	\$505	\$405	-11%

<b>Board of Psychology</b>			
<b>Fee Type</b>	<b>Current</b>	<b>Proposed</b>	<b>Change</b>
Active License Biennial Renewal	\$780	\$600	-23%
Semi-Active License Biennial Renewal	\$390	\$300	-23%
Inactive License Biennial Renewal	\$105	\$90	-14%
Temporary Practice Authorization	\$900	\$700	-22%

**Package 100: Administrative Specialist**

This package requests the creation of an Administrative Specialist 1 (1.0 FTE) position. As the Mental Health Regulatory Agency has developed and matured from its inception in 2018, the Executive Director and Board leadership have monitored the success of the organizational structure and identified opportunities for improvement. The current agency structure includes licensing and compliance sections that carry out the regulated Boards’ public protection functions of issuing and renewing licenses and registrations, enforcing established standards of licensure and professional practice, investigating complaints of misconduct, and monitoring sanctioned practitioners for compliance. However, there is currently no stand-alone administrative position to carry out the accounting and other program support functions such as accounts payable and receivable, board and committee meeting coordination, travel arrangements, and scheduling. These responsibilities have historically been allocated among various licensing and compliance staff members and management, adding to an already substantial workload. The Agency respectfully requests via this policy option package that a new Administrative Specialist position be approved to efficiently administer specified program and accounting support duties beginning in the 2023-25 biennium.

Package 100 will help the Agency meet its strategic goals of efficient application processing, timely investigations, and optimal customer satisfaction to consumers, licensees, and applicants for licensure. The licensing and compliance sections have faced continued growth in the licensing base for the two regulated Boards. (Please refer to licensing graphics under [Summary of Programs](#)). This significant increase in workload has left them little time to effectively perform the added administrative duties. Ensuring that the regulated boards have adequate staffing oversight and balanced workload is crucial to maintaining appropriate licensing and

compliance program service levels and ensuring the administrative needs of the Boards are met. This proposal promotes cost avoidance through a more effective licensing section that is able to quickly process licensure applications and renewals and respond to stakeholder needs. The added staffing layer will promote accountability and allow agency leadership to increase focus on mission-oriented responsibilities. This proposal supports a strong staffing structure for an agency that continues to grow in terms of the volume of licensees, residents, registered associates, and applicants subject to regulation. The Boards' ability to work more effectively and efficiently will result in improved customer service and enhanced ability to protect the public.

### **Package 101: Investigator**

This package requests the creation of a permanent Investigator (INV-2) position. During the 2021-23 biennium, a limited duration INV-2 position was approved and hired. The Executive Director and Board leadership have evaluated compliance program effectiveness and workload levels, and have determined that there is a continued need for this position as the Boards' licensee bases continue to grow. Therefore, the Agency is now requesting that this position be approved to continue as a permanent arrangement beginning in the 2023-25 biennium.

The new Investigator will help the Agency meet its strategic goals of timely complaint investigation processing and optimal customer satisfaction to those who have filed complaints and respondents subject to investigations. The limited duration Investigator will move to permanent status, and will remain on a team of three other permanent agency investigators to support the completion of timely, thorough, and procedurally sound investigations. The Agency's Compliance Section is facing an ever-increasing number of investigation requests and complex cases, and must dedicate significant time to each case to ensure that Board members have sufficient information to take appropriate action based on the facts. . (Please refer to case graphics under [Summary of Programs](#)). This proposal promotes cost avoidance through increased a more effective compliance section whose complete investigations are strong and defensible in contested case hearing or on appeal. This package supports a strong staffing structure for an agency that continues to grow in terms of the volume of licensees, residents, registered associates, permit holders, and applicants subject to regulation. The Boards' ability to work more effectively and efficiently will result in improved customer service and enhanced ability to protect the public.

### **Package 102: Licensing**

This package requests to add additional revenue that is expected to be collected on the passage of the Board of Licensed Professional Counselors and Therapists' Legislative Concept #0350. If approved, the expected effective date will be January 1, 2024. In preparation, the Board will initiate administrative rulemaking to establish a new limited permit fee of \$100.

The Board expects to issue 511 limited permits in FY 24 and 1,054 permits in FY 25. These projections are based on the volume of permits issued by the Board of Psychology, assuming the demand will be proportionately similar, but including some conservatism since the introduction of permits may reduce the volume of licenses issued. This package itself does not request additional staffing. There will be added staff workload to implement the new permits, which will be absorbed within current staffing resources. Approval of Policy Option Package #100,



which adds the Administrative Specialist position, will help to alleviate some of the additional ongoing licensing staff workload that will be required to issue these new permits.

## **Legislation**

The agency has proposed Legislative Concept (LC) 0350, which accomplishes two things. Firstly, it allows the Board of Licensed Professional Counselors and Therapists (BLPCT) to move to a two-year renewal schedule. It amends the law to remove the word “annual” such that the Board can implement biennial renewals for licensees. Annual renewals create a substantial workload for licensing staff to assist and respond to inquiries. It is also confusing to licensees who report their continuing education biennially. The [Diversity Study](#) completed by Keen Independent Research in December 2022 also recommended the Board make this change.

Secondly, LC 0350 adds limited permit authority for BLPCT, similar to what exists for psychologists. This creates a limited practice option outside of regular full licensure for individuals who are licensed as a professional counselor or marriage and family therapist outside of Oregon, allowing them to provide services to a client who relocates to the State, or to an Oregonian who has a particular need. The regular licensure process takes time to ensure qualifications are met, requires a larger application fee in proportion to the limited services that are being sought, and comes with added requirements like a continuing education. MHRA seeks to reduce service gaps and possible discontinuity of care for clients who rely on behavioral health services.

## **Budget Documents**

MHRA budget documents are posted to the MHRA website at:  
<https://www.oregon.gov/mhra/Pages/Reports.aspx>

## **Audits**

There have been no audits conducted by the Secretary of State or any external audit firm in 2021-23.

## Reduction Options

### 10% Reduction Options (ORS 291.216)

Activity or Program	Describe Reduction	Amount and Fund Type									Rank and Justification
		GF	LF	OF	NL-OF	FF	NL-FF	Total Funds	Pos.	FTE	
(WHICH PROGRAM OR ACTIVITY WILL NOT BE UNDERTAKEN )	(DESCRIBE THE EFFECTS OF THIS REDUCTION. IDENTIFY REVENUE SOURCE FOR OF, FF. INCLUDE POSITIONS AND FTE FOR 2023-25 AND 2025-27)										(RANK THE ACTIVITIES OR PROGRAMS NOT UNDERTAKEN IN ORDER OF LOWEST COST FOR BENEFIT OBTAINED)
1: Out of State Travel	Eliminate Out of State Travel. Decreases the ability for national networking, reducing the Agency's ability to keep up on national trends and contacts.			(\$13,040)				(\$13,040)	-	-	9- Keeping up with trends was determined to be very low in priority compared to other more mission-oriented activities.
2: Instate Travel	Eliminate Instate Travel. Eliminates in-person board and committee meetings and strategic planning sessions. Reduces relationship building, thoughtful engagement, and creativity in discussions of complex ideas and strategy.			(\$28,359)				(\$28,359)	-	-	8- In-person meetings were determined to be very low in priority compared to other more mission-oriented activities, particularly when the agency adjusted well to virtual meetings during the pandemic.
3: Employee Training / Recruitment and Development	Reduce employee training by 50%, and eliminate recruitment and development expenditures. Decreases the ability of the Agency to recruit and for staff to maintain and strengthen their skills.			(\$11,487)				(\$11,487)	-	-	7- This does not eliminate, but rather cuts in half expenditures related to employee training, so that training can be focused in-house to a greater extent. Training is important, but not at the expense of FTE.

Activity or Program	Describe Reduction	Amount and Fund Type							Rank and Justification	
4: Dues & Subscriptions	Eliminate association memberships and subscriptions. Decreases the ability for national networking, reducing the Agency's ability to keep up on national trends and contacts. Reduces training opportunities for board members and staff at conferences.			(\$13,888)			(\$13,888)	-	-	6- Networking and training in this manner was determined to be lower in priority compared to directly mission-oriented activities.
5: Administrative Services	Eliminate 1.0 FTE Office Specialist 2 position. Reduces Agency's ability to provide customer service for daily operations. Agency processing of licensure applications, renewals, and compliance cases will slow significantly.			(\$138,551)			(\$138,551)	(1)	(1.00)	5- The OS-2 is one of several administrative positions that may be eliminated with the lowest overall impact on agency operations, as the duties may be distributed to other positions.
6: Professional Services	Reduces professional services by 10%. Hinders the ability to contract for expert witnesses for compliance hearings, reducing the Agency's ability to support and uphold enforcement actions that protect the public from improper mental health practice.			(\$39,107)			(\$39,107)	-	-	4- While professional services are crucial to the Boards' effectiveness in protecting the public, it is not expected that a 10% reduction in this area will be too disruptive. The AAG may need to be creative in defensive solutions and/or barter for lower fees from vendors.
7: Administrative Services	Reduce 1.0 FTE Office Assistant 2 position to 0.5 FTE. Reduces Agency's ability to maintain updated data and records, slowing service time. Places burden on licensing and investigative staff to perform			(\$78,552)			(\$78,552)	-	(0.50)	3- A further reduction in clerical staff would be prioritized over other key positions that have mission-specific duties which are more difficult to redistribute.

Activity or Program	Describe Reduction	Amount and Fund Type								Rank and Justification	
	clerical tasks, taking away from crucial mission-oriented tasks.										
8: Investigations	Reduce 1.0 FTE Investigator 2 position to 0.5 FTE. Threatens the Boards' ability to properly protect the public through timely and thorough compliance investigations.			(\$89,236)			(\$89,236)	-		(0.50)	2- The INV-2 is one of four compliance positions that may be reduced with the lowest overall impact on agency operations, as the workload may be absorbed by the other investigators.
9: Attorney General	Reduces access to assigned assistant attorney general by 19%. This impairs the Agency's access to legal advice to interpret and enforce laws and rules, and to pursue and uphold enforcement actions that protect the public from improper mental health practice.			(\$128,671)			(\$128,671)	-		-	1- The AAG is among the higher cost budget items, and also the highest benefit of all the reduction options. However, it is determined that a 19% reduction will have lower impact on agency operations compared to eliminating other FTE or services that are directly tied to the agency's consumer protection charge.
<b>Total</b>		\$-	\$-	(\$540,892)	\$-	\$-	(\$540,892)	(1)		(2.00)	

# Agency-Wide Program Prioritization

Program Prioritization for 2023-25																								
Agency Name: Mental Health Regulatory Agency 2023-25 Biennium																		Agency Number: 10800						
Program/Division Priorities for 2023-25 Biennium																								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22			
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request				
Agcy	Prgm/ Div																							
10800	002	MHRA	OBOP	Oregon Board of Psychology	1,2,3,4	3		1,377,863				\$ 1,377,863	4	4.10	Y	Y	S	ORS 675.010 - 675.150		ARB = \$2,087,963; represents increase of \$110,100				
10800	001	MHRA	OBLPCT	Oregon Board of Licensed Professional Counselors and Therapists	1,2,3,4	3		3,423,172				\$ 3,423,172	9	8.90	Y	Y	S	ORS 675.705 - 675.885		ARB = \$3,674,553; represents increase of \$251,381				
												\$ -												
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												\$ -												
												\$ -												
												\$ -												
												\$ -												
												\$ 5,401,035												
												\$ 5,401,035	13	13.00										

## 7. Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development
- 7 Education & Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

## 19. Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal - Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Within each Program/Division area, prioritize each Budget Program Unit (Activities) by detail budget level in DRBITS

### Document criteria used to prioritize activities:

While the Agency considers both Boards high priority, OBOP was established in 1963 to regulate the practice of psychology, many years prior to OBLPCT's establishment in 1989. Licensure as a professional counselor and marriage and family therapist was not required, and the Board did not have a practice act until recent years. Therefore, the OBOP program was ranked higher priority.

## Other Funds Ending Balance

UPDATED OTHER FUNDS ENDING BALANCES FOR THE 2021-23 & 2023-25 BIENNIA										
Agency: Mental Health Regulatory Agency					BEX100	Projections	BDV102A			
Contact Person (Name & Phone #): Alejandra Martinez 971-900-9741					N		X01			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	
Other Fund Type	Program Area (SCR)	Treasury Fund #/Name	Category/Description	Constitutional and/or Statutory reference	2021-23 Ending Balance		2023-25 Ending Balance		Comments	
					In LAB	Revised	In CSL	Revised		
Limited	10800-001-00-00-00000	#1080001764 Operating Other Funds/ Mental Health Regulatory Agency- BLPCT	Operations	1998 Chpt 721, Sec 14 & 17, ORS 675.785 & 676.805	1,211,526	1,487,988	1,603,982			
Limited	10800-002-00-00-00000	#1080001765 Operating Other Funds/ Mental Health Regulatory Agency- BOP	Operations	1963 Chpt 396, Sec 12, ORS 675.110(7)	877,371	1,366,622	838,350			