Chapter 675

1963 REPLACEMENT PART

Psychologists

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675.010 Definitions. As used in ORS 44.040 and 675.010 to 675.140, unless the context requires otherwise:

(1) "Accredited college or university" means any college or university offering a full-time resident graduate program of study in psychology leading to the doctoral degree or a comparable program as determined by the board.

(2) "Board" means the State Board of Education.

(3) "Certified psychologist" means a person certified to practice psychology under the provisions of ORS 675.010 to 675.140.

(4) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personal evaluation, group relations and behavior adjustment, including but not limited to:

(a) Counseling and guidance;

(b) Use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in interpersonal relationships;

(c) Measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills;

(d) Conducting research on human behavior; and

(e) Lecturing on or teaching of psychology.

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

(6) "Subboard" means the State Board of Psychologist Examiners.

[1963 c.396 §1]

675.020 Representation as psychologist prohibited without certification. (1) To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of psychology, no person shall, unless exempted from the provisions of this chapter by ORS 675.090, represent himself to be a psychologist without first obtaining certification as required in ORS 675.010 to 675.140.

(2) A person represents himself to be a psychologist when he adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

(3) A psychologist duly certified under ORS 675.010 to 675.140 shall practice under his name only.

[1963 c.396 §2]

675.030 Certification of psychologists after examination. Upon application therefor accompanied by the fee established by the subboard, the subboard shall grant certification to any applicant who performs to the satisfaction of the subboard in the written and oral examination prescribed by the subboard and furnishes evidence satisfactory to the subboard that he:

(1) Is of good moral character;

(2) Has complied with all applicable provisions of ORS 675.010 to 675.140 and the applicable rules and regulations of the subboard; and

(3) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university and has had at least two years of experience in the practice of psychology following the date on which his doctoral degree was granted.

[1963 c.396 §3]

675.040 Examinations for certification. (1) Examinations for the certification of applicants shall be held not less frequently than once every year at such times and places as the subboard may determine. Notice of the examination date shall be sent to all accredited colleges and universities in Oregon.

(2) Any applicant may, upon written request to the subboard, discuss his performance on the examination.

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

[1963 c.396 §4]

675.050 Certification without examination. Upon application therefor accompanied by the fee established by the subboard, the subboard shall grant certification, without written or oral examination, to any applicant who furnishes evidence satisfactory to the subboard that he:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(2) Is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the subboard, essentially equivalent to those required by ORS

675.010 to 675.140 and the rules and regulations of the subboard; or

(3) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology.

[1963 c.396 §5]

675.060 Limitations on practice of psychology. (1) A certified psychologist engaging in psychotherapy with clients, in order to make provision for the diagnosis and treatment of medical problems, shall genuinely collaborate, in each instance, with a physician or surgeon licensed to practice medicine or surgery under the laws of this state.

(2) Nothing in ORS 675.010 to 675.140 authorizes a certified psychologist to practice medicine or surgery as defined in ORS 677.030.

(3) A certified psychologist shall only measure or test visual skill in collaboration with a duly licensed physician, surgeon or optometrist.

(4) A person certified to practice psychology under the provisions of ORS 675.010 to 675.140 is not, solely by virtue of such certification, authorized to practice a profession, or a system or method of healing, that is now regulated by statute in this state.

[1963 c.396 §7]

675.070 Refusal, suspension or revocation of certification. (1) The subboard, subject to the provisions of ORS 675.080, may refuse certification to any applicant, may refuse to renew the certification of any certified psychologist, or may suspend, for a period of not less than one year, or revoke the certification of any certified psychologist who, in the judgment of the subboard:

(a) Is habitually drunk;

(b) Is addicted to the use of narcotic drugs;

(c) Has been convicted of violation of any narcotic law;

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

(e) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology;

(f) Is mentally or emotionally unfit to practice psychology;

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

(h) Has obtained or attempted to obtain certification under ORS 675.010 to 675.140 by fraud or material misrepresentation;

(i) Has impersonated a certified psychologist or has allowed another person to use his certification; or

(j) Has violated any provision of ORS 675.010 to 675.140 or any provision of the code of professional conduct formulated under subsection (10) of ORS 675.110.

(2) In case of any conviction required under subsection (1) of this section as grounds for denial, refusal, suspension, or revocation, a certified copy of the record of the conviction shall be conclusive evidence.

(3) The subboard may certify an applicant or renew or restore any certification suspended or revoked under paragraph (f) of subsection (1) of this section whenever the subboard determines that the applicant or former certified psychologist is no longer mentally or emotionally unfit to practice psychology.

[1963 c.396 §8]

675.080 Notice; hearing. (1) The subboard shall not refuse certification to any applicant or refuse to renew the certification of any certified psychologist or suspend or revoke the certification of any certified psychologist without notifying the applicant or certified psychologist at least 30 days prior to such action. The applicant or certified psychologist shall be entitled to be represented by counsel at a hearing before the subboard under ORS 183.310 to 183.510. At least 20 days before the date of such hearing, the subboard shall notify the applicant or certified psychologist of the nature of the matters to be presented at such hearing. Within 30 days after the hearing, the subboard shall give notice to the applicant or certified psychologist of its decison.

(2) Within 60 days after the notice of the final decision of the subboard under subsection (1) of this section has been received by the applicant or certified psychologist, he may obtain judicial review under ORS 183.480 to 183.500.

[1963 c.396 §9]

675.090 Exceptions from application of ORS 675.010 to 675.140. ORS 675.010 to 675.140 shall not apply to:

(1) Any person teaching, lecturing or engaging in research in psychology but only in so far as such activities are performed as part of an academic position in a college or university.

(2) Any person who has received a doctoral degree in sociology or social psychology from an accredited college or university and

uses the title "social psychologist" provided that such person files a statement of his use of that title with the subboard.

(3) Any person who holds a valid school psychologist credential from the Oregon State Board of Education but only when such person is practicing psychology in the course of his employment.

(4) Any person licensed to practice one or more of the healing arts in the State of Oregon.

(5) Any person employed by a local, state or federal governmental agency whose psychologists must qualify for employment under federal or state certification or civil service regulations, but only at those times when that person is carrying out the functions of his employment.

(6) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facility recognized by the subboard and providing that no fee is charged and that the person is designated by the title "psychological intern," "psychological trainee," "psychology student," or some other title which clearly indicates his training status.

[1963 c.396 §10]

675.100 State Board of Psychologist Examiners. (1) There hereby is created a State Board of Psychologist Examiners referred to herein as subboard and consisting of five members appointed by the Governor. The members shall be citizens of the United States, residents of Oregon, have doctoral degrees with primary emphasis in psychology and shall be certified under the provisions of ORS 675.010 to 675.140.

(2) The term of office of a subboard member shall be three years, but the members shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to assume his duties on July 1 next following. A member shall be eligible for one consecutive reappointment only. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

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

(4) Each member of the subboard shall serve without compensation, but, subject to applicable laws regulating travel and other expenses for state officers, he shall be reimbursed for his actual and necessary travel and other expenses incurred in the performance of his official duties.

[1963 c.396 §11]

675.110 Power of board. The subboard shall have the following powers, in addition to the powers otherwise granted under the provisions of ORS 675.010 to 675.140, and shall have all powers necessary or proper to carry the granted powers into effect:

(1) To determine qualifications of applicants to practice psychology in this state; to cause to have prepared, conducted and graded examinations and to grant certification to qualified applicants upon their compliance with the provisions of ORS 675.010 to 675.140 and the rules and regulations of the subboard.

(2) To grant or deny annual renewal of certification, and to renew certification which has lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.140.

(3) To suspend or revoke certification, subject to the provisions of ORS 675.010 to 675.140.

(4) To restore certification which has been suspended or revoked.

(5) (a) To establish and collect fees for application, examination and certification of applicants and for renewal of certification, such fees to be used to defray the expenses of the subboard as provided in ORS 675.140.

(b) The fee established by the subboard for certification shall not exceed $55.

(c) The fee established by the subboard for renewal of certification shall not exceed $25.

(6) To investigate alleged violations of ORS 675.010 to 675.140.

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

(8) To enforce the provisions of ORS 675.010 to 675.140 and to exercise general supervision over the practice of psychology in this state.

(9) To adopt a common seal.

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

(11) To make, subject to the applicable provisions of ORS chapter 183, reasonable rules and regulations to carry out the provisions of ORS 675.010 to 675.140.
[1963 c.396 §12]

675.120 Administrative services; reimbursement. (1) The subboard shall utilize the physical facilities and administration staff of the State Board of Education for the discharge of all of the subboard's duties as provided for in ORS 675.010 to 675.140. The subboard shall pay to the State Board of Education annually a proportionate share of the cost of such administrative services. Such share shall be fixed by annual negotiation between the subboard and the board. If the subboard and the board are unable to agree upon an amount constituting such share by July 1 of any year, then such amount shall be determined by a committee of three persons selected as follows:

(a) One person selected by the board.

(b) One person selected by the subboard.

(c) One person selected by the persons selected under paragraphs (a) and (b) of this subsection.

(2) A decision of the committee authorized under subsection (1) of this section shall be subject to appeal in the manner provided in ORS chapter 183 for contested cases.

(3) Notwithstanding the provisions of subsection (1) of this section, the subboard may at any time employ persons in addition to the secretary-treasurer authorized by subsection (6) of ORS 675.130 to provide such services as the subboard shall require. Such employes shall be exempt from the provisions of the State Civil Service Law.
[1963 c.396 §13]

675.130 Officers; quorum; meetings; records; secretary-treasurer. (1) The subboard shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the subboard shall determine.

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

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

(4) The subboard shall maintain records of all of its proceedings under ORS 675.010 to 675.140.

(5) The subboard shall maintain a register of all living psychologists certified under ORS 675.010 to 675.140, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their certificates.

(6) The subboard may appoint a secretary-treasurer who need not be a member of the board. Subject to ORS 292.505 to 292.790, the subboard shall fix the compensation for the secretary-treasurer.
[1963 c.396 §14]

675.140 State Board of Psychologist Examiners Account; appropriation. On or before the 10th day of each month, the subboard shall pay into the State Treasury all moneys received by the subboard during the preceding calendar month. The State Treasurer shall credit 10 percent of the moneys to the General Fund to be available for the payment of general governmental expenses and shall credit 90 percent of the moneys to the State Board of Psychologist Examiners Account, which account hereby is created. The moneys in the State Board of Psychologist Examiners Account hereby are continuously appropriated to the subboard for the purpose of paying the expenses of administering and enforcing the provisions of ORS 675.010 to 675.140.
[1963 c.396 §15]

675.150 to 675.980 [Reserved for expansion]

675.990 Penalties. Violation of ORS 675.020 is a misdemeanor.
[1963 c.396 §18]

Note: Section 18 of chapter 396, Oregon Laws 1963, takes effect July 1, 1965.

Note: Section 6 of chapter 396, Oregon Laws 1963, is temporary and has not been compiled. It is set forth below for the convenience of the user:

Sec. 6. Upon application therefor filed on or before June 30, 1965, accompanied by the fee established by the subboard, the subboard shall grant certification without written or oral examination to any applicant who furnishes evidence satisfactory to the subboard that he:

(1) Is of good moral character; and

(2) Has complied with the applicable provisions

of this Act [ORS 675.010 to 675.140] and the applicable rules and regulations of the subboard; and either

(3) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university and has had at least two years of experience in the practice of psychology following the date on which his doctoral degree was granted; or

(4) Holds a master's degree, or its equivalent as determined by the subboard, with primary emphasis in psychology from a college or university approved by the subboard, has resided in the State of Oregon for at least three consecutive years immediately prior to application and has had at least eight years of experience in the practice of psychology following the date on which his master's degree or its equivalent was granted.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel