

Chapter 675

1973 REPLACEMENT PART

Psychologists

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GENERAL PROVISIONS

675.010 Definitions. As used in ORS 44.040 and this chapter, 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 Psychologist Examiners.

(3) "Licensed psychologist" means a person licensed to practice psychology under the provisions of this chapter.

(4) "Practice of psychology" means the rendering or offering to render to individuals, groups, organizations or the public any psychological service while representing himself to be a psychologist, involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationship; and the methods and procedures of interviewing, counseling, psychotherapy and hypnosis; of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions and motivation. The application of such principles and methods includes, but is not limited to, the diagnosis, prevention, treatment and amelioration of psychological problems and emotional and mental disorders of individuals and groups. Also, the offering for a fee of teaching, consultation, psychotherapy, psychodiagnostic and research services in relation to the use or development of psychological principles of such services.

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

[1963 c.396 §1; 1973 c.777 §1]

675.020 Representation as psychologist prohibited without licensing; use of business name or designation. (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 being licensed as required in this chapter.

(2) A person represents himself to be a psychologist when he holds himself out to

the public by 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, "psychometry," "psychometrics," "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," "psychoanalyst," or variants thereof or when he holds himself out to be trained, experienced or an expert in the field of psychology.

(3) A psychologist licensed under this chapter shall practice under his name only, but nothing in this chapter or rules adopted thereunder shall be deemed to prevent a licensed psychologist from using an assumed business name or other designation to describe a place, institution, organization or agency where or in connection with which he conducts his practice.

[1963 c.396 §2; 1971 c.362 §1; 1973 c.777 §2]

LICENSING

675.030 Licensing of psychologists after examination. Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board and furnishes evidence satisfactory to the board that he:

(1) If of good moral character;

(2) Has complied with all applicable provisions of this chapter and the applicable rules of the board;

(3) Holds a doctoral degree in psychology or a doctoral degree considered equivalent by the board, such degree or training having been obtained from an accredited college or university approved by the board; and

(4) Has had two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence.

[1963 c.396 §3; 1973 c.777 §3]

675.040 Examinations for licensing. (1) Examinations for applicants for licenses under this chapter shall be held not less frequently than once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

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

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

[1963 c.396 §4; 1973 c.777 §6]

675.050 Licensing without examination.

Upon application therefor accompanied by the fee established by the board, the board may issue a license, without written or oral examination, to any applicant who furnishes evidence satisfactory to the board that he:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and 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 board, essentially equivalent to licensing requirements of this chapter and the rules of the board; or

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

[1963 c.396 §5; 1973 c.777 §7]

675.060 [1963 c.396 §7; 1967 c.470 §63; repealed by 1973 c.777 §21]

675.063 Limited permit to practice as psychologist; duration. Upon application therefor and payment of the required fee, the board may issue a limited permit to practice as a psychologist to an applicant holding a certificate or license to practice psychology issued by another state and whose requirements are, in the judgment of the board, essentially equivalent to those required by this chapter. The limited permit shall be valid for a period of not more than 30 calendar days in any six months' period.

[1973 c.777 §15]

675.065 Psychologist associates' licensing procedure. (1) On and after January 1, 1974, psychologist associate licenses shall be issued to applicants who meet requirements of this section, do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions shall be specified on the psychologist associate license issued by the board and may include but are not restricted to such functions as administering

tests of mental abilities, conducting personality assessment, counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license in a single area of qualification. An additional fee shall be submitted for amendment of the license to include each additional area of qualification.

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

(4) Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist associate license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board that he:

(a) Is of good moral character;

(b) Has complied with all the applicable provisions of this chapter;

(c) Has received a master's degree in psychology, or a degree considered equivalent thereto by the board, from an accredited college or university approved by the board;

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

(e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence.

[1973 c.777 §5]

675.070 Denial, suspension or revocation of license. (1) Subject to the provisions of ORS 675.080, the board may deny a license to any applicant, may refuse to renew the license of any psychologist, or may suspend, for a period of not less than one year, or revoke the license of any psychologist who, in the judgment of the board:

(a) Is habitually drunk;

(b) Is addicted to the use of narcotic or dangerous 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 without being licensed to do so;

(h) Has obtained or attempted to obtain a license under this chapter by fraud or material misrepresentation;

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

(j) Has violated any provision of this chapter 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 board may license an applicant or renew or restore any license suspended or revoked under paragraph (f) of subsection (1) of this section whenever the board determines that the applicant or former licensed psychologist is no longer mentally or emotionally unfit to practice psychology. [1963 c.396 §8; 1973 c.777 §10]

675.080 [1963 c.396 §9; repealed by 1971 c.734 §21]

675.085 Procedure for denial of license; promulgation of rules, conduct of hearings and issuance and review of orders. (1) Where the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500. The board shall render its decision within 30 days after the hearing.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.

[1971 c.734 §117; 1973 c.777 §11]

675.090 Application of chapter. This chapter does 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 board and complies with subsection (9) of this section.

(3) Any person who holds a valid school psychologist credential from the State Board of Education but only when such person is practicing psychology in the course of his employment and complies with subsection (9) of this section.

(4) Any person licensed to practice one or more of the other healing arts in the State of Oregon so long as he does not hold himself out to the public through use of either of the specific terms of "psychologist" or "psychometrist."

(5) Psychological activities and services by a person employed by a local, state or federal governmental agency in so far as such activities and services are a part of his employment and are performed within the confines of the employing agency provided that the person complies with subsection (9) of this section.

(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 board and providing that no fee is paid directly to the student, intern or resident 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.

(7) Any person engaged in psychological activities and employed by an Oregon non-profit corporation whose primary purpose or function involves education or scientific research and which holds a valid exemption from federal income taxes under section 501 (c) (3) of the Internal Revenue Code of 1954.

(8) Qualified members of other legally recognized professions such as lawyers, dentists, optometrists, social workers, nurses or clergymen when engaging in psychological activities or services incidental to their profession who comply with subsection (9) of this section.

(9) Persons described in subsections (2), (3), (5) and (8) of this section shall not represent or hold themselves out to the public outside their professional work setting by

any title or description of activities used in subsection (2) of ORS 675.020 nor shall they hold themselves out to be trained, experienced or expert in psychology.

[1963 c.396 §10; 1971 c.362 §2; 1973 c.777 §8]

STATE BOARD

675.100 State Board of Psychologist Examiners; confirmation; oath; compensation and expenses. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven members appointed by the Governor. Five of the members shall be residents of Oregon, have doctoral degrees with primary emphasis in psychology and shall be licensed under this chapter. Two members shall be residents of Oregon and shall serve as public members.

(2) The term of office of a board 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) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(4) Before entering upon the duties of his office, each board 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. The oath shall be filed with the Secretary of State.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1963 c.396 §11; 1969 c.314 §77; 1973 c.777 §9a; 1973 c.792 §32]

675.110 Power of board. The board shall have the following powers, in addition to the powers otherwise granted under this chapter, 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 examinations prepared, conducted and graded and to grant licensing to qualified applicants upon their com-

pliance with the provisions of this chapter and the rules of the board.

(2) To grant or deny annual renewal of licenses, and to renew licenses which have lapsed for nonpayment of the renewal fee, subject to the provisions of this chapter.

(3) To suspend or revoke licenses, subject to this chapter.

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

(5) (a) To establish and collect annual fees for application, examination and licensing of applicants, for renewal of licenses, for inactive licenses, and issuance of limited permits, such fees to be used to defray the expenses of the board as provided in ORS 675.140. The fees established in this section shall be determined by the board, subject to approval by the Executive Department.

(b) The fee established by the board for active or inactive licenses shall not exceed \$50.

(c) The fee established by the board for renewal of licenses shall not exceed \$80.

(d) The board may impose a delinquent renewal fee not to exceed \$25 for licenses renewed after January 1 but before February 1.

(e) The fee established by the board for the limited permit under ORS 675.063 shall not exceed \$80.

(6) To investigate alleged violations of this chapter.

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

(8) To enforce this chapter 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 establish standards of service and training and educational qualifications for the rendering of ethical psychological

services in this state, including the formulation of standards for the issuance of licenses for areas of special competence.

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

(13) Subject to the applicable provisions of ORS chapter 183, to make reasonable rules to carry out the provisions of this chapter.

[1963 c.396 §12; 1973 c.39 §1; 1973 c.777 §12]

675.120 [1963 c.396 §13; repealed by 1973 c.777 §21]

675.130 Officers; quorum; meetings; records; executive secretary. (1) The board 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 board shall determine.

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

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board 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 board or of the Governor.

(4) The board shall maintain records of all of its proceedings under this chapter.

(5) The board shall maintain a register of all living psychologists licensed under this chapter, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their licenses.

(6) The board may appoint an executive secretary who shall not be a member

of the board. Subject to ORS 292.505 to 292.780, the board shall fix the compensation for the executive secretary.

[1963 c.396 §14; 1973 c.777 §14]

675.140 State Board of Psychologist Examiners Account; appropriation. On or before the 10th day of each month, the board shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing this chapter.

[1963 c.396 §15; 1967 c.637 §28; 1973 c.777 §17]

675.150 Enforcement procedures. The board may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin him from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment.

[1973 c.777 §13]

PENALTIES

675.990 Penalties. Violation of any provision of this chapter is a Class C misdemeanor.

[1963 c.396 §18; 1973 c.777 §18]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 November 1, 1973.

Thomas G. Clifford
Legislative Counsel