Chapter 675

1979 REPLACEMENT PART

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PSYCHOLOGISTS

Note: Section 32, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 32. ORS 675.010. 675.020, 675.030, 675.040, 675.050, 675.063, 675.065, 675.070, 675.085, 675.090, 675.100, 675.110, 675.130, 675 140, 675.150 and 675.990 relating to psychologists are repealed.

(Generally)

675.010 Definitions. As used in ORS 44.040 and 675.010 to 675.150, 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 ORS 675.010 to 675.150.

(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 ORS 675.010 to 675.150 by ORS 675.090, represent himself to be a psychologist without first being licensed as required in ORS 675.010 to 675.150.

(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 ORS 675.010 to 675.150 shall practice under his name only, but nothing in ORS 675.010 to 675.150 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) Is of good moral character;

(2) Has complied with all applicable provisions of ORS 675.010 to 675.150 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 ORS 675.010 to 675.150 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 ORS 675.010 to 675.150 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 ORS 675.010 to 675.150. 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 ORS 675.010 to 675.150;

(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 re-

voke the license of any psychologist who, in the judgment of the board:

(a) Is habitually drunk;

(b) Is addicted to the use of controlled substances;

(c) Has been convicted of violation of any law relating to controlled substances;

(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 ORS 675.010 to 675.150 by fraud or material misrepresentation;

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

(j) Has violated any provision of ORS 675.010 to 675.150 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; 1979 c.744 §49]

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 ORS 675.010 to 675.150. ORS 675.010 to 675.150 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 nonprofit 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 ORS 675.010 to 675.150. 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 ORS 675.010 to 675.150, 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 compliance with the provisions of ORS 675.010 to 675.150 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 ORS 675.010 to 675.150.

(3) To suspend or revoke licenses, subject to ORS 675.010 to 675.150.

(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 ORS 675.010 to 675.150.

(7) To issue subpenas 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 ORS 675.010 to 675.150 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 183.310 to 183.500, to make reasonable rules to carry out the provisions of ORS 675.010 to 675.150. [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 ORS 675.010 to 675.150.

(5) The board shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150, 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 (1975 Replacement Part), 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 ORS 675.010 to 675.150. [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]

OCCUPATIONAL THERAPISTS
(Generally)

675.210 Definitions for ORS 675.210 to 675.340. As used in ORS 675.210 to 675.340 and subsection (2) of 675.990, unless the context requires otherwise:

(1) "Board" means the Occupational Therapy Licensing Board.

(2) "Occupational therapist" means a person licensed to practice occupational therapy under ORS 675.210 to 675.340 and subsection (2) of 675.990.

(3) "Occupational therapy" means the functional evaluation and treatment of individuals whose ability to adapt or cope with the task of living are threatened or impaired by developmental deficiencies, physical injury or illness, the aging process or psychological disability; the treatment utilizes task oriented activities to prevent or correct physical and

emotional deficiencies or minimize the disabling effect of these deficiencies on the life of the individual, or both. Specific treatment techniques of occupational therapy include but are not limited to: Activities of daily living (ADL), self-help skills, life and leisure skills, social work skills and tasks, fabrication and application of splints, sensory motor integrative activities, the use of specific designed crafts, guidance in the selection, design and construction of adapative equipment, prevocational assessment and interpretation, therapeutic exercises to enhance functional performance, the evaluation of and training in the use of upper extremity prosthetics, development of psycho-social skills and assessment and treatment of hand skills. Such techniques are applied in the treatment of individual patients or clients and groups, or through social systems.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of, or with the consultation of, an occupational therapist.

(5) "Person" means any individual, partnership, unincorporated association or corporate body, except only an individual may be licensed under ORS 675.210 to 675.340 and subsection (2) of 675.990. [1977 c.858 §1]

Note: ORS 675.210 to 675.340 and subsection (2) of 675.990 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 675 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

675.220 Representation as occupational therapist or therapy assistant prohibited without licensing; exception. (1) After July 1, 1978, no person shall hold himself out as an occupational therapist or an occupational therapy assistant, or use the abbreviations "O.T., O.T.R., O.T.A. or C.O.T.A.," unless he is licensed in accordance with ORS 675.210 to 675.340 and subsection (2) of 675.990.

(2) ORS 675.210 to 675.340 and subsection (2) of 675.990 do not apply to any person employed as an occupational therapist or occupational therapy assistant by the United States while such person is providing occupational therapy under the direction or control of the organization by which he is employed. [1977 c 858 §§2,3]

(Licensing)

675.230 Application for licensing. Any person desiring to be licensed as an occupational therapist or occupational therapy assistant shall apply in writing to the board, upon such form and in such manner as shall be provided for by the board. Each application shall include or be accompanied by evidence, under oath or affirmation satisfactory to the board, that the applicant possesses the qualifications prescribed in ORS 675.240 for applicants for licensing as an occupational therapist, or in ORS 675.250 for applicants for licensing as an occupational therapy assistant. [1977 c.858 §4]

675.240 Qualifications for licensing as occupational therapist. Each applicant for licensure under ORS 675.210 to 675.340 and subsection (2) of 675.990 as an occupational therapist shall:

(1) Be a graduate of an educational program in occupational therapy recognized by the board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

(2) Pass to the satisfaction of the board an examination conducted or adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

(3) An applicant who has practiced as an occupational therapy assistant for four years, with a minimum of six months of supervised field experience, may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapist made otherwise applicable under subsection (1) of this section. [1977 c.858 §5]

675.250 Qualifications for licensing as occupational therapy assistant. An applicant for licensure under ORS 675.210 to 675.340 and subsection (2) of 675.990 as an occupational therapy assistant shall:

(1) Be at least 18 years of age.

(2) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the board.

(3) Pass an examination conducted or approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant. [1977 c.858 §6]

675.260 Examinations for licensing; fee. (1) Unless entitled to licensing as provided for in ORS 675.270, each applicant for licensing as an occupational therapist or occupational therapy assistant shall include in his application a request for examination. Each applicant who requests an examination shall pay to the board at the time of filing the application the fee of $60.

(2) The board shall examine applicants for licensing as occupational therapist or occupational therapy assistant at such times or places as it may determine, but at least semiannually.

(3) Such application shall be made in writing at least 30 days prior to the announced date of examination, upon a form and in such manner as the board shall prescribe. A person who fails an examination may make reapplication for examination, accompanied by the prescribed fee.

(4) Each applicant for licensure shall be examined in written examination to test his knowledge of the basic and clinical sciences relating to occupational therapy and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. [1977 c.858 §7]

675.270 Licensing without examination. (1) The board shall waive the examination and grant a license to any person certified prior to October 4, 1977, as an occupational therapist registered (O.T.R.) or certified occupational therapy assistant (C.O.T.A.) by the American Occupational Therapy Association.

(2) The board shall waive the examination requirement for licensure for applicants for licensure who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to October 4, 1977, and who have otherwise met the education and experience requirements of ORS 675.210 to 675.340 and subsection (2) of 675.990. Such proof of actual practice shall be presented to the board in such manner as it may prescribe by rule. To obtain the benefit of this waiver, an applicant shall file an application for licensure no later than one year after October 4, 1977.

(3) The board shall waive the examination requirement and grant a license to any applicant, upon payment of the license fee, who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure under ORS 675.210 to 675.340 and subsection (2) of 675.990. [1977 c.858 §8]

675.280 When license issued; fee; issuance of certificate; certificate as evidence. The board shall license any person who meets the requirements of ORS 675.210 to 675.340 and subsection (2) of 675.990 upon payment of the license fee in the sum of $30. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a licensed occupational therapist or occupational therapy assistant subject to the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990. [1977 c 858 §9]

675.290 License renewal procedure. Each licensed occupational therapist or occupational therapy assistant shall apply to the board in March of each year for a renewal of his license. Each applicant for renewal of his license shall pay the board at the time of the filing of his application therefor a fee of $30. Any license that is not renewed before June 1 of each year shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of all past unpaid renewal fees. However, no such late renewal of a license may be granted more than three years after its expiration. [1977 c.858 §10]

675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license. (1) The board may deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions where the licensee or applicant has been guilty of:

(a) Unprofessional conduct as defined by the standards established by the board;

(b) Obtaining or attempting to obtain a license by means of fraud, misrepresentation or concealment of material facts;

(c) Violating any lawful order, rule adopted by the board which may affect the health, welfare or safety of the public; or

(d) Gross negligence or incompetence in the performance of his professional duties.

(2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to 675.340 and subsection (2) of 675.990 if the licensee has been adjudged mentally incompetent by a court of competent jurisdiction.

(3) 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.

(4) Judicial review of orders under subsection (3) of this section shall be in accordance with ORS 183.310 to 183.500. [1977 c.858 §§13, 14, 15]

(State Board)

675.310 Occupational Therapy Licensing Board; appointment; qualifications; nomination procedure; confirmation; compensation and expenses; term. (1) There is created in the Health Division the Occupational Therapy Licensing Board. It shall be composed of five members, appointed by the Governor, three of whom shall be licensed occupational therapists in this state with no less than three years of experience in occupational therapy immediately preceding their appointment, and two of whom shall be members of the consuming public. Board members required to be occupational therapists may be selected by the Governor from a list of no less than eight nominees submitted by the Occupational Therapy Association of Oregon. However, one member of the board may be a licensed occupational therapy assistant.

(2) All appointments to the board by the Governor are subject to Senate confirmation as required by ORS 171.560 and 171.570.

(3) Members are entitled to compensation and expenses as provided in ORS 292.495.

(4) Members shall serve a term of four years and may not serve more than two consecutive terms. [1977 c.858 §11]

675.320 Powers of board. The board shall have the following powers in addition to powers otherwise granted under ORS 675.210 to 675.340 and subsection (2) of 675.990 or necessary to carry out the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990:

(1) To organize and elect from its membership a president and secretary, each of whom shall hold office for one year or until the election and qualification of a successor.

(2) To appoint an executive secretary to perform such duties as the board shall prescribe, and whose compensation shall be fixed by the board subject to ORS 240.245.

(3) To authorize all necessary disbursements to carry out the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990, including, but not limited to, payment for necessary supplies, office equipment, expenses for the conduct of examinations, investigations, and such other expenditures as provided for in ORS 675.210 to 675.340 and subsection (2) of 675.990.

(4) To conduct or supervise examinations for applicants pursuant to ORS 675.210 to 675.340 and subsection (2) of 675.990 and the standards established by the board.

(5) To suspend, revoke or invalidate licenses for nonpayment of renewal fees.

(6) To restore licenses which have been suspended, revoked or voided.

(7) To establish fees for license examinations.

(8) To collect license applications and renewal fees.

(9) To investigate alleged violations of ORS 675.210 to 675.340 and subsection (2) of 675.990.

(10) To enforce the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990 and generally supervise the practice of occupational therapy in this state.

(11) To make and enforce rules in accordance with ORS 183.310 to 183.500 for the procedure of the board, for the conduct of examinations, for regulating the practice of occupational therapy not inconsistent with the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990.

(12) To establish minimum requirements for continuing education to be complied with by all licensees under ORS 675.210 to 675.340 and subsection (2) of 675.990 prior to reissuing licenses.

(13) To issue limited permits to persons who have completed the education and experience requirements of ORS 675.210 to 675.340 and subsection (2) of 675.990, which permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who is licensed and shall be valid until the day on which the results of the

next qualifying examination have been made public. Such a limited permit shall not be renewed if the applicant has failed the examination. [1977 c.858 §12]

675.330 Use of moneys received by board. (1) All moneys received by the Health Division under ORS 675.210 to 675.340 and subsection (2) of 675.990 shall be deposited into the General Fund in the State Treasury and placed to the credit of the Health Division, and such moneys hereby appropriated continuously and shall be used only for the administration and enforcement of ORS 675.210 to 675.340 and subsection (2) of 675.990.

(2) All fines or forfeitures collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 and subsection (2) of 675.990 shall be paid into the General Fund of the State Treasury and placed to the credit of the Health Division Account, and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 675.210 to 675.340 and subsection (2) of 675.990. [1977 c.858 §16]

(Enforcement)

675.340 Enforcement procedure. The district attorney shall prosecute all persons charged with violations of any of the provisions of ORS 675.210 to 675.340 and subsection (2) of 675.990. The secretary, under the direction of the board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and subsection (2) of 675.990. [1977 c.858 §17]

CLINICAL SOCIAL WORKERS

(Generally)

675.510 Definitions for ORS 675.510 to 675.610. As used in ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990, unless the context requires otherwise:

(1) "Board" means the State Board of Clinical Social Workers.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "Clinical social work" means the professional practice of applying principles and methods with individuals, marital couples, families, children and groups, which include, but are not restricted to:

(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

(b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

(d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

(f) Supervising, administering or teaching clinical social work practice.

(4) "Registered clinical social worker" means a person, registered under the provisions of ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990, to practice clinical social work. [1977 c.677 §1; 1979 c.769 §1]

675.520. Representation as clinical social worker prohibited without registration. After June 30, 1978, no person shall represent himself by using the title "registered clinical social worker" or any other title that includes those words unless he is registered in accordance with the provisions of ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990. [1977 c.677 §2]

(Registration)

675.530 Certificate of registration; qualifications. Upon application therefor accompanied by the fee established under ORS 675.560, the board shall issue a certificate of registration to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has complied with all applicable provisions of ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990, and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or

university accredited by the Council on Social Work Education; and

(3) Has completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the board. The rules shall be developed after consultation with persons active in the field of clinical social work and may take into account experience which may be gained in the course of the study of social work. [1977 c.677 §4; 1979 c.769 §3]

675.540 Grounds for denial, suspension, revocation or refusal to renew certificate. The board may deny, suspend, revoke or refuse to renew any certificate of registration issued under ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990, upon proof, after a hearing pursuant to the provisions of ORS 183.310 to 183.500 relating to a contested case, that a person:

(1) Has been convicted of a violation of ORS 675.610;

(2) Has been convicted in this or any other state of a crime that is a felony in this state;

(3) Has been convicted of a felony in a federal court;

(4) Is unable to perform the practice of clinical social work by reason of mental illness, physical illness, drug addiction or habitual alcoholic intoxication;

(5) Has been grossly negligent in the practice of clinical social work; or

(6) Has violated one or more of the rules of the board pertaining to the registration of clinical social workers. [1977 c.677 §6; 1979 c.769 §5]

675.550 Board may reissue revoked certificate. In case a certificate of registration has been revoked or the renewal thereof refused, the board may reissue such certificate at the expiration of one year from the time it was revoked. [1977 c.677 §7; 1979 c 769 §6]

675.560 When registration effective; renewal; continuing education. (1) Registration shall be effective when a certificate of registration is issued by the board.

(2) Registration shall expire on the last day of the calendar year in which the certificate has been issued.

(3) Renewal of registration may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the applicant, on a form provided by the board, that he has been actively engaged in clinical social work during the registration period and that there exists no reason for denial of the renewal.

(4) The board may require evidence of continuing education as a requirement for renewal of registration in order to insure the highest quality of professional services to the public. [1977 c.677 §9; 1979 c.769 §8]

675.570 Fees. (1) The board shall collect annual fees for application of registrants and for renewal of registration, such fees to be used to defray the expenses of the board as provided in section 13, chapter 677, Oregon Laws 1977.

(2) The fee for issuance of first certificate of registration shall not exceed $50.

(3) The fee for renewal of registration shall not exceed $40.

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

(5) All fees under ORS 44.040, 675.510 to 675.610 and subsection (3) of 675.990, are nonrefundable. [1977 c.677 §8; 1979 c.769 §7]

675.580 Confidentiality of communication by client; exceptions. (1) A clinical social worker registered under ORS 675.510 to 675.610 or any of his employes, shall not disclose any communication given him by a client in the course of noninvestigatory professional activity when such communication was given to enable the registered clinical social worker to aid the client, except:

(a) When the client or those persons legally responsible for the client's affairs give consent to the disclosure;

(b) When the client initiates legal action or makes a complaint against the registered clinical social worker to the division;

(c) When the communication reveals the intent to commit a crime or harmful act;

(d) When the communication reveals that a minor was the victim of a crime, abuse or neglect; or

(e) When disclosure of the communication is necessary to obtain further professional assistance for the client.

(2) Nothing in this section is intended to prevent a registered clinical social worker who is a public employe from disclosing communications from a client when such a disclosure is

made in the performance of the social worker's duty as a public employe and the public employer has determined that such disclosure is necessary in the performance of the duty of the social worker as a public employe. [1977 c.677 §10; 1979 c.769 §9]

(State Board)

675.590 State Board of Clinical Social Workers. (1) There is established a State Board of Clinical Social Workers within the Health Division.

(2) The Governor shall appoint seven members to the board, consisting of members as specified in subsection (4) of this section.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for one consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The composition of the board shall be as follows:

(a) Four members shall be clinical social workers who are registered in accordance with the provisions of ORS 675.510 to 675.610;

(b) Two members shall be public citizens who have demonstrated an interest in the field of clinical social work; and

(c) One member shall be a person who has been or is a consumer of the services of clinical social work, as certified by procedures developed by the Governor.

(5) Notwithstanding the term of office specified in subsection (3) of this section, of the members first appointed to the board:

(a) Two shall serve for terms ending June 30, 1981.

(b) Two shall serve for terms ending June 30, 1982.

(c) Three shall serve for terms ending June 30, 1983. [1979 c.769 §2]

675.600 Duties of board. The board shall:

(1) Pursuant to ORS 183.310 to 183.500, make rules necessary to carry out the provisions of ORS 44.040, 675.510 to 675.610;

(2) Publish annually a list of the names and addresses of all persons who have been registered under ORS 44.040, 675.510 to 675.610; and

(3) Report to the Legislative Assembly on its activities regarding the registration of clinical social workers during the preceding biennium. [1977 c.677 §5; 1979 c.769 §4]

675.610 Continuation of board. ORS 44.040, as amended by section 12a, chapter 677, Oregon Laws 1977 and ORS 675.510 to 675.610 are repealed on June 30, 1986, following review of the State Board of Clinical Social Workers under ORS 182.615 and 182.625. If the board is continued by the Legislative Assembly, it shall be subject to ORS 182.635.

PENALTIES

675.990 Penalties. (1) Violation of any provision of ORS 675.010 to 675.150 is a Class C misdemeanor.

(2) On and after July 1, 1978, violation of any provision of ORS 675.220 is a Class B misdemeanor.

(3) The following shall be Class C misdemeanors:

(a) Any violation of ORS 675.520;

(b) Obtaining or attempting to obtain a certificate of registration, or renewal thereof by bribery or fraudulent representation;

(c) Knowingly making a false statement in connection with any application under ORS 44.040, 675.510 to 675.610; or

(d) Knowingly making a false statement on any form promulgated by the board in accordance with ORS 44.040, 675.510 to 675.610, or the rules promulgated under ORS 44.040, 675.510 to 675.610. [1963 c.396 §18; 1973 c.777 §18; subsection (2) enacted as 1977 c.858 §18; subsection (3) enacted as 1977 c.677 §11; 1979 c.769 §10]

Note: See note following ORS 675.210.

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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel