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## PERMANENT ADMINISTRATIVE ORDER

**OBP 2-2018**  
CHAPTER 858  
MENTAL HEALTH REGULATORY AGENCY  
OREGON BOARD OF PSYCHOLOGY

**FILED**  
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ARCHIVES DIVISION  
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FILING CAPTION: Grounds for disciplinary action.

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AGENCY APPROVED DATE: 07/13/2018

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Filed By:  
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AMEND: 858-020-0045

RULE TITLE: Notice and Investigation Process

NOTICE FILED DATE: 05/23/2018

RULE SUMMARY: This amendment sets forth that failure to comply with terms of a Board order or cooperate with a Board investigation constitutes a violation of ORS 675.070(2) and is grounds for disciplinary action.

RULE TEXT:

- (1) Notice to Respondent. The Board's administrator shall notify the respondent by letter when a complaint is filed, or an investigation has been initiated, into respondent's conduct or practice. The notice letter shall provide respondent with a citation to the laws and regulations that apply to the investigation. The notice letter shall also set out the general allegations to be investigated. The investigator may modify the scope of the investigation as needed. The Board Administrator may delegate this notification procedure to the Board's investigator.
- (2) Notice to Supervisors. When a complaint is filed against an individual acting under the supervision of a licensed psychologist, the supervising psychologist(s) shall be notified that any investigation into the conduct of the supervisee may affect the licensure of the supervisor(s). The Board may open a companion investigation naming the supervisor(s).
- (3) Purpose of Investigation. The purpose of the investigation shall be to determine whether sufficient credible evidence exists of violation of rules or laws administered by the Board to justify issuance of a Notice of Intent to Impose sanctions against a person licensed by the Board or such other action as the circumstances may warrant.
- (4) Scope of Investigation. The investigator shall seek guidance as appropriate and necessary from individual Board members, the full Board, agency legal counsel, and the Board's administrator. If the Board decides to operate with a Consumer Protection Committee structure, that committee shall serve as the primary source of guidance for the investigator.
- (5) Cooperation. Failure by respondent to cooperate with a board investigation constitutes unprofessional conduct per ORS 675.070(2), and is grounds for disciplinary action. Cooperation by respondent includes:
  - (a) Submitting client records to the Board's investigator, with or without a signed release by the client, for a full investigation of the allegations presented in the notice letter;
  - (b) Sending a complete case file to the Board's investigator;

- (c) Being available for a personal interview with the Board's investigator; and
- (d) Responding to questions presented by the Board's investigator.
- (6) Duty of the Investigator. The investigator shall collect evidence, interview witnesses and make a written report to the Board.
- (7) The Board may delay approving a licensure application, renewing a license, or issuing a license to a candidate for licensure if the person has a complaint under investigation until the complaint has been resolved.
- (8) Licensees and applicants must comply with the terms of all Board orders and agreements. Failure to comply constitutes a violation of ORS 675.070(2)(h) and is grounds for disciplinary action.

STATUTORY/OTHER AUTHORITY: ORS 675.020, 675.110, ORS 675.070

STATUTES/OTHER IMPLEMENTED: ORS 675.110