



# THE EXAMINER

Spring 2014 Edition

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Psychologist, Oregon Coast

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**Devin Salinas, B.A.**  
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**Anne-Marie Smith, Ph.D.**  
Psychologist, Oregon City

## Qualified Person Designation

As many of you may recall, in 2011 the Board conducted an audit of Qualified Person (“QP”) Designation compliance. It had come to our attention a few years prior that compliance was quite low- less than 50%. Three years later, the Board is pleased to report that compliance among current licensees is now 96.5%. Most of those who are not in compliance are new licensees who are just beginning independent practice or have just moved from out of state. Those who are not yet in compliance are reminded at renewal of the requirement to submit a designation form.

Oregon Administrative Rule 858-010-0060 mandates that all licensees, including retirees and psychologists who became inactive within the past 7 years, notify the Board of the person who will intercede for client welfare and make necessary referrals in the case of death or incapacity of the licensee. This QP must be an active or semi-active licensed psychologist. Designation is not only a legal requirement, but also an important ethical consideration for client welfare. The Board has seen several cases where the unexpected occurs, and the spouses or children of the psychologist are left in an unfortunate position.

It is very important to periodically review your professional will, and to confirm that your qualified person is still able and willing to perform his or her duties if needed. If you have changed practice, you may also need to submit a new QP form to the Board. Failure to comply with the requirement to designate a QP, or failure to fulfil your obligation when you have agreed to serve as someone’s QP, could result in disciplinary action.

As a reminder, you can find valuable resources on the website, including the QP Designation Form, “Guidelines for Preparing Your Professional Will,” which includes a sample professional will, and the “PRID Executor Checklist” at [Oregon.gov/OBPE/pages/QP\\_PW.aspx](http://Oregon.gov/OBPE/pages/QP_PW.aspx). The Board appreciates OPA’s contribution to this matter.

Board staff is available to answer your questions about the QP requirement. **Ψ**

## In this Issue

Qualified Person Designation .....	1
Administrative Rules .....	2
Informed Consent.....	2
Enforcement Report .....	3
2014 CE Audit .....	3
Upcoming Events.....	4

## Administrative Rules

The Board recently adopted the following rule amendment:

- **Residents' Client Progress Notes.** The Board eliminated the requirement that post-degree supervisors countersign residents' client progress notes. *Effective as of 3/24/14.*

The Board is currently proposing the following rule amendments:

- **Continuing Education.** The Board proposes to make changes to the continuing education requirements for licensees. This proposal would reduce the total number of CE credits licensees must earn during their two year renewal period from 50 to 40, and reduce the categorical limitations proportionately. It would expand the four-hour professional ethics requirement to include Oregon State laws and regulations related to the practice of psychology, and allow up to 4 credits for reading articles from peer-reviewed journals. The draft makes clarifications to the audit process and what constitutes acceptable evidence of completion. It also establishes procedures and a sanction schedule for late, non-responsive and deficient CE reports. This proposed amendment would become effective January 1, 2015.

*A public hearing will be held for oral testimony at 3218 Pringle Road SE; Salem, OR 97302 on 5/12/14 at 10am. You may submit your written comments until 5/12/14 at 5pm.*

- **Code of Conduct.** The Board proposes to amend the rule to clarify that the code of professional conduct, as adopted by the Board, applies to all licensees. The change will also delete outdated language.

*The public comment period remains open until 5/12/14 at 5pm.*

**Notices and proposed rule text can be found on the main page of the website under "Headlines." Please send any comments to [laree.felton@state.or.us](mailto:laree.felton@state.or.us) or 3218 Pringle Road SE, Ste. 130, Salem OR 97302. All comments must be received by the specified deadline. Ψ**

## Informed Consent

### **Informed Consent Statement: The Board's Right to Access Protected Information**

The Health Insurance Portability and Accountability Act (HIPAA) privacy rules allow a psychologist (the covered entity) to disclose protected health information to a health oversight agency, in this case the Board of Psychologist Examiners (the Board), for oversight activities authorized by law. **ORS 675.110(9)** authorizes the Board to investigate alleged violations of the practice of psychology and to take testimony, administer oaths and affirmation to witnesses, conduct hearings, issue subpoenas for the attendance of witnesses, and require the production of relevant documents in all proceedings relating to the duties and powers of the Board. If client records are necessary to conduct a Board investigation of a possible violation of Oregon laws or rules, HIPAA regulation **45 C.F.R. §164.512(d)** allows the release without a client's consent.

When providing the above information in an informed consent form, the board suggests an optional statement similar to the following:

*Consistent with HIPAA 45 C.F.R. §164.512(d), the Board of Psychologist Examiners is authorized to review, use, or disclose individually identifiable health information as a Health Oversight Agency for oversight activities authorized by law, including civil and/or administrative investigations for appropriate oversight of individuals or entities subject to government regulation. Ψ*

## OBPE Disciplinary Actions

During the period of time from January 17, 2014 to April 24, 2014, the Board reviewed and dismissed 12 cases involving psychologists. In addition to issuing remedial action in two cases, the Board took the following actions:

Debra (Kali) Miller, Ph.D. – **ORDER FOR EMERGENCY SUSPENSION** was approved and signed on March 11, 2014. In the process of investigating Dr. Miller for a client she diagnosed with Reactive Attachment Disorder, the Board has found that Dr. Miller's continued practice is a serious danger to the public health or safety and it is therefore necessary to immediately suspend her license to practice psychology in the State of Oregon.

Michael S. Harris, Ph.D. – **FINAL ORDER** was approved and signed on March 21, 2014. Dr. Harris submitted an application for licensure as a psychologist to the Oregon Board of Psychologist Examiners (the Board) in May of 2010. In December of 2010, Dr. Harris entered into an agreement to work as a psychologist resident under the supervision of a licensed psychologist and to abide by specific standards of conduct. In February 2013, the Board notified Dr. Harris of its intent to deny his application for licen-

sure and impose a civil penalty of \$5,000 based on Dr. Harris's alleged violations of ORS 675.070(2)(d) and (2)(h). On April 17, 2013, Dr. Harris requested a hearing. On December 13, 2013, the administrative law judge (ALJ) that heard the testimony of the case found that Dr. Harris failed to follow documented procedures for contacting his supervising psychologist; failed to maintain client files in a timely manner; and failed to follow direction of supervising psychologist regarding an opinion letter to the court and attending a meeting with a client outside the office. The Board issued a final order on March 21, 2014 in which the Board adopted the ALJ's opinion that Dr. Harris is not qualified for licensure because he did not complete the requisite two years of supervised employment and did not comply with the applicable statutes and rules of the Board when he violated ORS 675.070(2)(d)(A) (as conduct or practice contrary to recognized standard of ethics of the psychological profession) as well as ethical standards for psychologists related to avoiding harm, cooperating with other professionals, and the maintenance of client records. The Board denied Dr. Harris's application for licensure and imposed a civil penalty of \$5,000. Ψ

## 2014 CE Audit

*It's that time again!* Letters have been sent to 20% of even-numbered licensees selected for the continuing education audit. Out of the 693 who were eligible for the audit- those who have completed at least one full renewal period and are not on inactive status- 139 were selected using computer software. Please remember that because selection is *at random*, it is possible that a licensee will be selected for two or more consecutive biennium, or may never be selected at all!

If you are selected, you will need to send in your completed audit report forms along with acceptable documentation of your CE activities. Incomplete submissions will be required to remedy deficiencies within 30 days. The most common issues found in last year's audit were failure to list the qualified instructor's name and degree on the audit report (13.3%), insufficient documentation of the program attended (8.6%), and failure to list individual programs on the audit report (6.3%). Remember, all of the fields on the audit report are mandatory- it is not acceptable to write "various" instructors or leave the "type code" blank. If you attended a conference, each separate program or panel attended must be listed. Last year the Board issued ten civil penalties for late responses and CE deficiencies. Please refer to the website for forms, rules, helpful guidelines and time tables at [Oregon.gov/OBPE/Pages/renewals\\_ce/Renewals\\_CE.aspx](http://Oregon.gov/OBPE/Pages/renewals_ce/Renewals_CE.aspx). Staff is also available to assist. Ψ

## Upcoming Events in 2014

### May

5/5 – Consumer Protection Committee Meets

5/9 – Oregon Jurisprudence Examination

5/12 – Public Rulemaking Hearing (CE changes)

5/26 – Office Closed for Memorial Day Holiday

**5/30 – Board Meeting**

### June

6/2 – Consumer Protection Committee Meets

6/6 – Oregon Jurisprudence Examination

### July

7/4 – Office Closed for Independence Day Holiday

7/7 – Consumer Protection Committee Meets

7/11 – Oregon Jurisprudence Examination

**7/18 – Board Meeting**

### Our Mission

The mission of the Oregon Board of Psychologist Examiners is to promote, preserve and protect the public health and welfare by ensuring the ethical and legal practice of psychology.

## In Memory of ...

### Ralph J. Bramucci, Ph.D.

Dr. Bramucci died peacefully in his home at the age of 75 after a courageous battle with cancer on March 13, 2014. He earned his Ph.D. in Psychology from the University of Oregon in 1974, and became an Oregon licensed psychologist in September of 1983. Dr. Bramucci worked at Parrott Creek Ranch, Mt. Hood Community Mental Health Center and the Providence/Milwaukie Family Practice Program. He loved the outdoors: camping, kayaking, fishing and biking. He also worked with wood, completing many treasured objects. Dr. Bramucci served on the Board from 1992 to 1999. He was elected vice-chair in 1997, and chair in 1998.

### Maxine M. Hoggan, Psy.D.



Dr. Hoggan passed away on February 2, 2014 in her home in Redmond, Oregon at the age of 78. She was born August 1935 in Brownsville, Oregon. Dr. Hoggan and her mother, Bertha Leola Barclay, were descendants of the Barclay family, one of the original pioneer families of Oregon. She earned her Psy.D. from Oregon Graduate School of Professional Psychology in 1990, and became an Oregon licensed psychologist in October of 1992. Ψ

### Our Core Values

- Transparency
- Integrity
- Objectivity
- Accountability
- Compassion

## Reminders

**BE GREEN!** Please make sure to update your email address with us if it changes so that you continue to receive correspondence. If you have not provided one, please do so. **Also, we are now collecting public email addresses.** Your current email is, of course, kept private, but if you would like to provide a public email please send it to: [oregon.bpe@state.or.us](mailto:oregon.bpe@state.or.us).

The Examiner is the official newsletter of the Oregon Board of Psychologist Examiners and is edited by board staff. Please visit our website at [www.Oregon.gov/obpe](http://www.Oregon.gov/obpe) call 503-378-4154 with any comments or suggestions.



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