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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 877  
BOARD OF LICENSED SOCIAL WORKERS

**FILED**

01/20/2022 10:44 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amendments to rules regarding social work licensing - Baccalaureate and Master's Social Worker

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/25/2022 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Randy Harnisch  
503-508-0636  
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3218 Pringle Rd SE Suite 240  
Salem, OR 97302

Filed By:  
Randy Harnisch  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 02/25/2022

TIME: 1:00 PM

OFFICER: Randy Harnisch

ADDRESS: Morrow Crane Building

3218 Pringle Rd SE Suite 240

Salem, OR 97302

SPECIAL INSTRUCTIONS:

Call 503 508 0636 for instructions to participate in the hearing.

NEED FOR THE RULE(S)

The proposed amendments and repeal will delete reference to an implementation date; repeal definitions that have been moved to Division 001 of this chapter; replace "person" with "applicant"; reorganize rule language and replace "accept" with "approve"; require written request for return to active status.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

No documents.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Proposed amendments will not affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

Proposed amendments will have no fiscal and economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) None. 2a) approximately 4500 individual clinical licensees are subject to these rules; 2b) No additional reporting, recordkeeping or administrative costs to comply; 2c) No additional professional services, equipment, supplies, labor or administration required to comply.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Individual licensees were part of the Rule Advisory Committee and participated in the development of the proposed amendments.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

877-015-0105, 877-015-0106, 877-015-0108, 877-015-0131, 877-015-0136, 877-015-0146, 877-015-0155

AMEND: 877-015-0105

RULE SUMMARY: The proposed amendment removes obsolete language regarding the initial implementation of the statute.

CHANGES TO RULE:

877-015-0105

~~Rules Applicable to Registration and Licensur~~ Purpose ¶

This division of rules describes the procedures and requirements to obtain and renew a certificate of registration as a baccalaureate social worker and a license as a master's social worker and the requirements regarding surrender and reapplication for a certificate or license. ~~The board may issue a certificate of registration as a baccalaureate social worker or a license as a master's social worker commencing January 1, 2011.~~

Statutory/Other Authority: ORS 675.510-675.600, ~~675.532-675.533, SB 177(2009), HB 2345(2009)~~

Statutes/Other Implemented: ORS 675.571, ~~675.532, 10 - 675.533~~ 600, 675.990-675.994, ~~675.150~~

REPEAL: 877-015-0106

RULE SUMMARY: The proposed action to repeal this rule is appropriate because the definitions contained here have been moved to a separate definitions rule in Division 001.

CHANGES TO RULE:

~~877-015-0106~~

~~Definitions-~~

~~(1) "Practice of baccalaureate social work" means the basic, generalist practice of social work that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, nonclinical supervision, consultation, education, advocacy, community organization, and the development, implementation and administration of policies, programs or activities.¶¶~~

~~(2) "Practice of master's social work" means social work characterized by the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation or evaluation, case management or referral, counseling, nonclinical supervision, consultation, education, research, advocacy, community organization, or the development, implementation or administration of policies, programs or activities.~~

~~Statutory/Other Authority: ORS 675.510-675.600~~

~~Statutes/Other Implemented: ORS 675.510-675.600~~

AMEND: 877-015-0108

RULE SUMMARY: The proposed amendments would clarify the degrees required for the baccalaureate and master's license.

CHANGES TO RULE:

877-015-0108

### Eligibility Requirements ¶

To be eligible for initial certificate of registration or license, a person applicant must meet the requirements in sections (1) through (6) of this rule:¶

(1) The person applicant must submit a complete and accurate application on a form provided by the board.¶

(2)(a) The person applicant must hold the degree described in sub-section (b) of this section from a college or university accredited by or considered in candidacy status by a credentialing body recognized by the board. The Council on Social Work Education and the Canadian Association for Social Work Education are recognized by the Board. The Board accepts determinations of equivalency of foreign degrees by the Council on Social Work Education's International Social Work Degree Recognition and Evaluation Service. Submission of proof of foreign degree equivalency and cost of the foreign degree equivalency determination are the responsibility of the applicant.¶

(b)~~(A)~~ The degree required for initial:¶

(A) registration as a baccalaureate social worker is a baccalaureate degree in social work.¶

~~(B) The degree required for initial licensure; and¶~~

(B) licensure as a master's social worker is a master's degree in social work.¶

(3) The person applicant must be fit to practice social work in Oregon. The board uses the following standard and procedure to make a fitness determination:¶

(a) To be fit to practice social work in Oregon, the person applicant must have demonstrated and must currently have:¶

~~(A) Good moral character. For purposes of this rule, lack of "good moral character" may be established by reference to acts or conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question should be rationally connected to the applicant's fitness to practice social work as defined by the Board in rule; and¶~~

~~(B) A personal history of conduct that is consistent with the standards contained in ~~d~~Division 30 of this chapter of rules.¶~~

~~(b) In the event the person applicant's history includes conduct that may call into question the person applicant's fitness, the board will consider, if made available by the person applicant, the amount of time elapsed since the conduct and the person applicant's relevant conduct since the questioned conduct, including remedial or compensatory actions taken by the person applicant, if appropriate.¶~~

~~(4) The person applicant must be fit to practice social work in Oregon. In making this fitness determination, the board will consider whether the person applicant is subject of an investigation or disciplinary action by a licensing board and the reasons for the action.¶~~

~~(5) The person applicant must pass the following examination administered by the Association of Social Work Boards:¶~~

~~(a) For registration as a baccalaureate social worker, the bachelor's level examination.¶~~

~~(b) For licensure as a master's social worker, the master's level examination.¶~~

~~(6) The person applicant must achieve a score of 90 percent on the examination on the Oregon BLSW statutes and rules prepared by the board on:¶~~

~~(a) The contents of ORS 675.510 to 675.600 and OAR chapter 877, which are the Oregon BLSW statutes and administrative rules governing regulated social work.¶~~

~~(b) Oregon Revised Statutes relating to mental health practice that may be relevant to regulated social work.~~

~~Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.532 - 675.533, SB 177 (2009), HB 2345 (2009)~~~~

~~Statutes/Other Implemented: ORS ~~675.571, 675.532, 675.533, 675.990 - 675.994, 675.1510 - 675.600, 675.990~~~~

AMEND: 877-015-0131

RULE SUMMARY: The proposed amendment would clarify that the Board must "approve" and offer of surrender, rather than just "accept" the offer.

CHANGES TO RULE:

877-015-0131

Surrender of Certificate of Registration ¶¶

(1) A baccalaureate social worker or master's social worker may offer to surrender a certificate of registration or license at any time.¶¶

(2) ~~No complaint pending.~~ If no complaint is pending at the time an offer to surrender is received by the board, the board may ~~accept~~approve the surrender and void the certificate or license.¶¶

(3) ~~Complaint pending:~~¶¶

(a) If a complaint is pending at the time an offer to surrender is received by the board, or after the board has initiated disciplinary action, the offer to surrender may ~~be accepted~~first be approved by the board. The board may ~~make acceptance of~~approve the offer to surrender contingent upon terms of a final order in a contested case.¶¶

(b) If the surrender is required by a final order in a contested case, the final order may specify whether and under what conditions the holder of the certificate or license may apply for a new certificate or license and may attach conditions that restrict the use of the certificate or license.

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.532 - 675.533, SB 177(2009), HB 2345(2009)~~

Statutes/Other Implemented: ORS ~~675.571, 675.532, 675.533, 675.990 - 675.994, 675.1510 - 675.600, 675.990~~

AMEND: 877-015-0136

RULE SUMMARY: The proposed amendments would clarify that an individual who surrenders their license must re-apply for licensure. A surrendered license will not be re-issued. The amendments further specify that the re-application may be subject to terms of a stipulated order, if the surrender was made to comply with an order.

CHANGES TO RULE:

877-015-0136

Reissuance of Certificate of Registration and License ¶

~~(1) Following a voluntary surrender under OAR 877-015-0131, the board may issue a new certificate of registration or license if:¶~~

~~(a) The applicant submits a letter to the board explaining the reasons for returning to practice as a regulated social worker;¶~~

~~(b) The board approves the applicant's proposal to demonstrate competence to hold the certificate of registration. The plan may involve participation in continuing education programs; and¶~~

~~(c) The applicant takes and passes the examination described in OAR 877-015-0108(6) on Oregon statutes and rules in effect at the time of re-application and, if applicable, the terms of a stipulated final order in effect at the time of the re-application. ¶~~

(2) If the board accepts a voluntary surrender after a complaint was filed with the board against the holder while the complaint is pending, the board may issue the new certificate of registration or license under conditions that take into account the circumstances of the surrender and may attach conditions to the registration or licensure, including conditions contained in a final order if one was served in connection with the surrender. The board will not reinstate a certificate of registration or license that has been surrendered. A person who surrenders a certificate of registration or license may apply for a new certificate of registration three years after the date the surrender was accepted by the board.¶

(3) If the board revokes or refuses to renew a certificate of registration or license, other than for the holder's failure to timely apply for renewal, the former holder may reapply for a new license at the expiration of three years from the time it was revoked. The board may issue a new certificate of registration or license upon finding the applicant is fit to practice social work and otherwise meets the requirements for registration or licensure and may attach conditions to the registration or licensure, including conditions contained in a final order if one was served in connection with the revocation.

Statutory/Other Authority: ORS 675.510-675.600, ~~675.532-675.533, SB 177(2009), HB 2345(2009)~~

Statutes/Other Implemented: ORS ~~675.571, 675.532, 10 - 675.533~~600, 675.990-675.994, ~~675.150~~

AMEND: 877-015-0146

RULE SUMMARY: The proposed amendments to the rule clarify the process for requesting that a license be placed on inactive status.

CHANGES TO RULE:

877-015-0146

Inactive Status ¶¶

(1) Upon written request ~~and certification~~ by a baccalaureate social worker or a master's social worker who plans not to practice as a regulated social worker in Oregon for an extended period of time, the board may place a certificate or license in inactive status.¶¶

(2) A baccalaureate social worker or master's social worker whose certificate or license is in inactive status is subject to the requirements imposed on baccalaureate social workers or master's social workers except for the requirement to submit annual reports of continuing education.¶¶

~~(3) At the time a request to be placed on inactive status is submitted, the person making the request must be current on the fees required by OAR 877-001-0020. At the time of the request, and at the time of each renewal of the certificate or license while it is inactive, the baccalaureate social worker or master's social worker must certify on a form provided by the board that the baccalaureate social worker or master's social worker will not use a title that indicates the person has an authorization to practice regulates social work while the certificate or license is inactive. At the time a request to be placed on on inactive status is submitted, the person making the request must be current on the fees required by OAR 877-001-0020.~~

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.532 - 675.533, SB 177(2009), HB 2345(2009)~~

Statutes/Other Implemented: ORS 675.571, ~~675.532, 675.533, 675.990 - 675.994, 675.1510 - 675.600, 675.990~~

AMEND: 877-015-0155

RULE SUMMARY: The proposed amendments to the rule would require the request to re-activate be in writing. The amendment would further require continuing education and a passing score on the BLSW rules and laws exam if the inactive period was more than 2 years.

CHANGES TO RULE:

877-015-0155

Return to Active Status ¶

(1) The holder of an inactive certificate or license ~~may~~ust submit a written request to the board to return to active status.¶

(2) As a condition of approving the request, the board ~~may~~will require the holder to complete continuing education in specified topics. ~~Normally, the board will not impose a requirement to complete continuing education if the period of inactive status is less~~more than two years.¶

(3) The holder must pass the examination on Oregon statutes and rules described in OAR 877-015-0108 if the request to return to active status is received by the board more than ~~36 month~~two years after the board notified the holder that the certificate or license was inactive.

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.532 - 675.533, SB 177(2009), HB 2345(2009)~~

Statutes/Other Implemented: ORS ~~675.571, 675.532, 675.533, 675.990 - 675.994, 675.1510 - 675.600, 675.990~~