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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 9:45 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amendments to rules regarding social work licensing - Procedural Rules and Definitions

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.*

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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 - 4:30 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 hearing

NEED FOR THE RULE(S)

Proposed amendments will locate all agency rules establishing definitions for Chapter 877 in Division 001; specifies that board will communicate with licensees by email; includes amendments to make permanent rules for waiving late fees during emergency declarations; allows board to require additional information as needed to make renewal decision; sets out procedures for lapsed and expired licenses; clarifies authorization for graduate students to practice clinical social work during an approved internship/

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 have any impact on racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

Proposed amendments will not have any fiscal or economic impact, other than in allowing the board to waive late renewal fees in situations where the Governor has issued an emergency declaration.

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.

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

Individual clinical licensees were included in the Rule Advisory Committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

877-001-0006, 877-001-0009, 877-001-0020, 877-001-0025, 877-001-0028, 877-005-0101

AMEND: 877-001-0006

RULE SUMMARY: The amendments to this rule compile all definitions previously included though out the various divisions that applicable to the rules in Chapter 877.

CHANGES TO RULE:

877-001-0006

Definitions ¶¶

~~(1) "Authorization to practice regulated agency" means a private or public organization that, through its employees, engages in clinical social work" is (defined in ORS 675.510 as a certificate or licens~~  
(1) "Authorization to practice regulated agency" means a private or public organization that, through its employees, engages in clinical social work" is (defined in ORS 675.510 as a certificate or licens  
(2) generally characterized by the following:¶¶

(a) Cases are issued by the State Board of Licensed Social Workers under 675.510 to 675.600.igned through a central process:¶¶

(b) Billing is centralized and done in the organization's name:¶¶

(c) The organization collects all fees including deductibles and co-payments:¶¶

~~(2d) "Regulated social worker" is defined in ORS 675.510 as a baccalaureate socia~~  
(2d) "Regulated social worker" is defined in ORS 675.510 as a baccalaureate socia  
The organization controls client records and is responsible for their proper storage and destruction:¶¶

(e) The organization displays its name on the premises so as to be clearly visible to clients:¶¶

~~(f) The name of the organization is on all w~~  
(f) The name of the organization is on all w  
orker registered under 675.532, a master's social worker licensed under 675.533, a clinical social work associate certified under 675.537, or a clinical  
ms given to the client:¶¶

(g) The organization maintains the responsibilities for hiring and firing of staff:¶¶

(h) Supervision of clinical social work associates is provided on a regular basis; and¶¶

(i) Policies and procedures of the organization are available in written form for the staff and clients.¶¶

~~(2) "Authorization to practice regulated social worker licensed under 675.530.¶¶~~

~~(3) The term "board" in OAR chapter 877" is defined in ORS 675.510 as a certificate or license issued by the State Board of Licensed Social Workers under 675.510 to 675.600.¶¶~~

(3) "Board" means the State Board of Li  
icensed Social Workers established by ORS 675.590, unless otherwise specified.¶¶

(4) "Clinical social work" means:¶¶

(a) A specialty within the practice of master's social work that requires the application of specialized clinical knowledge and advanced clinical skills to the assessment, diagnosis or treatment of mental, emotional or behavioral disorders or conditions, including but not limited to those identified in the Diagnostic and Statistical Manual of Mental Disorders (DSM) fifth edition; and¶¶

(b) The application of services described in paragraph (a) of this subsection to the provision of individual, marital, couples, family or group counseling or psychotherapy.¶¶

(5) "Clinical social worker" means a person who practices clinical social work.¶¶

(6) "Clinical supervision" means an interactional professional relationship between a supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner.

~~(67) "Clinical social worker" means a person who practices clinical social work.~~

~~(7) "Direct contact" means clinical social work practice hours by a licensee that are in-person or via live video-conferencing or tele-conferencing with a client.~~

(8) "Email of record" means an email address where the licensee receives and sends electronic mail.

(9) "Employer of record" means a licensee's employer name and employer's postal address.

(10) "Good cause" means situations that are beyond the reasonable control of the licensee or certificate holder and "exceptional circumstances" means unforeseen circumstances that are of a very serious nature including, for example, the serious illness of the licensee or certificate holder. "Good cause" does not include situations where the action, delay, or failure to act by the licensee or certificate holder arises from mistake, neglect, reliance on a statement of board staff, lack of knowledge or understanding of the board's statutes or rules, noncompliance with the board's statutes or rules, or any circumstance that is within the reasonable control of the licensee or certificate holder.

(11) Good moral character: "a 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 must be rationally connected to the applicant's fitness to practice social work.

(12) "Group supervision" means a meeting between a plan supervisor and no more than five (5) mental health professionals for purposes of meeting the supervision requirements set out in OAR 877-020-0009, 877-020-0010 and 877-020-0012.

(13) "In writing" means a writing submitted to the board, either in hard-copy by postal mail, or electronically to the board's posted email address.

(14) "Licensee" means a regulated social worker or applicant for licensure, certification or registration as a regulated social worker.

(15) "Mental health professional" means those who:

(a) Hold a current license or certification for mental health service delivery issued by the State of Oregon; or

(b) Are certified under the authority of ORS 430.256 and 430.357 as Certified Alcohol and Drug Counselors to provide alcohol and drug abuse prevention services, intervention services and treatment; or

(c) Are employed by or contracting with an entity that is certified or licensed by the State of Oregon under ORS 430.610 to 430.695 to provide mental health treatment or addiction services, and authorized to use the designation of Qualified Mental Health Professional or Qualified Mental Health Associate' under the rules of the State of Oregon.

(16) "Name of record" means a licensee's legal name.

(17) "Postal address of record" means the place the licensee chooses to receive postal mail and may be either the licensee's residence, place of employment, or a post office box.

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

(19) "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, non-clinical counseling, non-clinical supervision, consultation, education, research, advocacy, community organization, and the development, implementation and administration of policies, programs or activities.

(20) "Practice of social work" means the application of social work theory, knowledge, methods and ethics to restore or enhance social, psychosocial or biopsychosocial functioning of an individual, couples, families, children, groups, organizations or communities, and may include private practice, administration, the provision of clinical supervision and teaching.

~~(8) For purposes of subsection (7) of this rule,~~ (21) "Regulated social worker" is defined in ORS 675.510 as a baccalaureate social worker registered under 675.532, a master's social worker licensed under 675.533, a clinical social work associate certified under 675.537, or a clinical social worker licensed under 675.530.

(22) "Teaching" means providing instruction to one or more students in an academic or instructional setting by using one of the principles and methods listed in subsection (720) of this rule, but does not include the use of such teaching tools as role plays, process recordings, case discussions, or video or audio tapes of client interactions that do not involve providing mental health services to a live client in the class-room setting.

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: 877-001-0009

RULE SUMMARY: The amendments to this rule establishes that the Board will communicate with licensees by email. Further the rule requires licensees to provide an email address of record.

CHANGES TO RULE:

877-001-0009

Name, Postal Address, Email Address and Employer of Record ¶¶

~~(1) As used in OAR Chapter 877 Division 001.¶¶~~

~~(a) "Licensee" means a regulated social worker or applicant for licensure, certification or registration as a regulated social worker.¶¶~~

~~(b) "Name of record" means a licensee's legal name.¶¶~~

~~(c) "Postal address of record" means the place the licensee chooses to receive postal mail and may be either the licensee's residence, place of employment, or a post office box.¶¶~~

~~(d) "Email of record" means an email address where the licensee receives and sends electronic mail.¶¶~~

~~(e) "Employer of record" means a licensee's employer name and employer's postal address; and¶¶~~

~~(f) "In writing" means a writing submitted to the board, either in hard copy by postal mail, or electronically to the board's posted email address.¶¶~~

~~(2) A licensee must provide the board with a Name of Record.¶¶~~

~~(a) If a licensee's Name of Record changes, the licensee must notify the board in writing within 30 days of the effective date of the name change and must include:¶¶~~

~~(A) Copies of official legal documents showing the name change, which must include either a birth certificate, marriage certificate or a court order or court decree.¶¶~~

~~(b) A licensee must use their Name of Record for the regulated practice of social work.¶¶~~

~~(3) A licensee must provide the board with a Postal Address of Record.¶¶~~

~~(a) If a licensee's Postal Address of Record changes, the licensee must notify the board of the change within 30 days of the effective date of the change.¶¶~~

~~(4) A licensee must provide the board with an Email Address of Record.¶¶~~

~~(a) If a licensee's Email Address of Record changes, the licensee must notify the board of the change within 30 days of the effective date of the change.¶¶~~

~~(5) A licensee must provide the board with an Employer of Record, if the licensee is employed.¶¶~~

~~(a) If a licensee's Employer of Record changes or the licensee's employment status changes (the licensee becomes employed or becomes unemployed), the licensee must notify the board of the change within 30 days of the change.¶¶~~

~~(6) The board will communicate with licensees either by postal mail or by email, at the board's discretion, by email unless a specific method of communication is required by applicable state or federal rule or law.¶¶~~

~~(7) Communication sent to a licensee will be considered to be received by the licensee the date it is sent if it is sent to the licensee's Postal Address of Record or Email Address of Record.~~

Statutory/Other Authority: ORS 675.510 - 675.600, ~~OAR 137-001-0005 - 137-001-0100~~

Statutes/Other Implemented: ORS 675.510 - 675.600

AMEND: 877-001-0020

RULE SUMMARY: The amendment to this rule would delete language relevant at the time the original legislation was enacted. Further the rule includes as permanent language authorizing the board to waive late fees related to an emergency declaration.

CHANGES TO RULE:

877-001-0020

### Fees for Certification and Licensing ¶

Following are the fees due, without pro ration, as a condition of obtaining and retaining a certificate or license under this division of rules:¶

(1) The application fee for an initial certificate or license is:¶

- (a) Registered Baccalaureate Social Worker - \$50;¶
- (b) Licensed Master's Social Worker - \$50;¶
- (c) Clinical Social Work Associate - \$150;¶
- (d) Licensed Clinical Social Worker - \$150.¶

(2) The fee for initial issuance of a certificate or license is:¶

- (a) Registered Baccalaureate Social Worker - \$50;¶
- (b) Licensed Master's Social Worker - \$100;¶
- (c) Clinical Social Work Associate - \$60;¶
- (d) Licensed Clinical Social Worker - \$260.¶

(3) The fee for the renewal of a certificate or license is:¶

(a) Registered Baccalaureate Social Worker:¶

(A) Active - \$110;¶

(B) Inactive - \$40.¶

(b) Licensed Master's Social Worker:¶

(A) Active - \$220;¶

(B) Inactive - \$80.¶

(c) Clinical Social Work Associate - \$66;¶

(d) Licensed Clinical Social Worker:¶

(A) Active - \$286;¶

(B) Inactive - \$106.¶

(4) The late fee for a request for renewal of a certificate or license received by the board after the renewal date of the certificate or license is:¶

(a) Registered Baccalaureate Social Worker - \$50;¶

(b) Licensed Master's Social Worker - \$50;¶

(c) Clinical Social Work Associate - \$50;¶

(d) Licensed Clinical Social Worker on active status - \$200;¶

(e) Licensed Clinical Social Workers on inactive status or Licensed Clinical Social Workers renewing a license under the provisions of OAR 877-020-0060 - \$50.¶

~~(5) The fees in 877-001-0020(1)(b) and (2)(b) are waived for any Clinical Social Work Associate who applies for Licensed Master's Social Worker licensure after having completed 75 hours of supervision required in 877-020-0010(3)(b)(A).¶~~

~~(6) The Board may waive any fees in sections (1) through (4) of this rule, upon written request, for any active duty military personnel deployed for 90 days or more outside the State of Oregon.¶~~

~~(7) During a disaster or emergency declared by the Governor of Oregon, the Board may waive any late fees in section (4) of this rule, upon written request for any licensee for any reason related to the disaster or emergency.~~

~~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: 877-001-0025

RULE SUMMARY: The amendment to this rule authorizes the Board to require additional information necessary to determine if a licensee has met the qualifications for renewal.

CHANGES TO RULE:

877-001-0025

Renewals of Authorization to Practice Regulated Social Work ¶¶

(1) Renewal of authorizations to practice regulated social work: The holder of an authorization to practice regulated social work may renew the authorization by submitting the following to the board:¶¶

(a) A completed application for renewal that shows that the holder of the authorization has met the requirements for continuing education in division 25 of this chapter of rules.¶¶

(b) The fee required by OAR 877-001-0020; and¶¶

(c) Any additional information the Board may require to determine the holder meets all of the qualifications for renewal.¶¶

(2) An authorization lapses at the conclusion of the 30th day following the renewal date unless the holder has met the requirements of section (1) of this rule.¶¶

(3) The renewal date for an authorization is the final day of the birth month of the holder in the year the authorization expires. An authorization expires as follows:¶¶

(a) A certificate of clinical social work associate expires each year.¶¶

(b) A master's social worker license and a certificate of baccalaureate social worker registration and a license as a clinical social worker expire in the month following the first birth month that occurs a minimum of 18 months following the initial issuance and every second year thereafter.¶¶

(4) An authorization expires when it lapses under section (2) of this rule.

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: 877-001-0028

RULE SUMMARY: Proposed rule deletes language related to initial implementation of required license for LCSW. New language is related to process for renewing lapsed and expired licenses and certificates.

CHANGES TO RULE:

877-001-0028

~~Transition from One Year to Two Year Licensure for Licensed Clinical Social Worker Lapsed and Expired Licenses and Certificates ¶~~

~~(1) The fee for a license for active licensure certificate that is not renewed by the end of the 30th day following the renewal as a Licensed Clinical Social Worker of \$260 provided for in OAR 877-001-0020(3)(d)(A) shall be reduced by half, to \$130, for even-numbered licenses with renewal dates that are lapsed. ¶~~

~~(2) A lapsed license or certificate may be renewed by submitting: ¶~~

~~(a) The completed renewal application; ¶~~

~~(b) Payment of appropriate fees, including late fees, pursuant to OAR 877-001-0020; ¶~~

~~(c) Documentation of having completed all required continuing education requirements; and ¶~~

~~(d) A certification on a form provided by the board that the person while in lapsed status between January 1, 2013 and December 31, 2013, and the renewal term provided for in 877-001-0025(3)(b) shall be reduced by half for the licenses renewed under the provision of this subsection has not engaged in the practice of clinical social work nor used any title, words, or abbreviations, including the title of "social worker," that indicates the person has an authorization to practice regulated social work. ¶~~

~~(3) A license or certificate that has lapsed and is not renewed pursuant to subsection of this rule by the end of one year following the renewal date plus any extended time period granted by the board pursuant to subsection (6) of this rule is expired. ¶~~

~~(24) The fee for a person whose license for active licensure renewal certificate has expired may apply to the board to receive a new license or certificate. ¶~~

~~(5) To be eligible for a new license, as a Licensed Clinical Social Worker under the reduced applicant whose license has expired: ¶~~

~~(a) Must meet the degree requirements in OAR 877-020-0009(2) for a CSWA or LCSW or OAR 877-015-0108 (2) for an RBSW or LMSW; ¶~~

~~(b) Must meet the fitness requirements of OAR 877-020-0060 of \$130 provided for in 08(2) for a CSWA or LCSW or OAR 877-015-0108(3) for an RBSW or LMSW and is subject to the provisions of 877-022-0005 as an applicant for a license; ¶~~

~~(c) Must have passed the national examination described in OAR 877-0201-0020(3)(d)(A) shall be reduced by half, to \$65, for even-numbered licenses with renewal dates between 08(4) (b) for an LCSW or OAR 877-015-0108 (5) for an RBSW or LMSW; ¶~~

~~(d) May be subject to requirements of the board, determined on an individual basis, to work under a plan of practice and supervision designed to take into account the experience of the applicant, recent practice of the applicant, and other factors that pertain to the applicant; ¶~~

~~(e) May be subject to requirements of the board, determined on an individual basis, to complete continuing education in specified topics; and ¶~~

~~(f) Must pass the examination on Oregon statutes and rules described in OAR 877-020-0008(4)(a) for an LCSW and OAR 877-001-0025(3)(b) shall be reduced by half for the licenses renewed under the provision of this subsection 15-0108(6) for an RBSW or LMSW. ¶~~

~~(6) The board may in the board's sole discretion extend the time period that a license or certificate may be in lapsed status upon written request showing good cause based on exceptional circumstances. ¶~~

~~(7) A person with a lapsed or expired license may not practice clinical social work nor use any title, words or abbreviations, including the title "social worker," that indicate that the person has an authorization to practice regulated social work.~~

~~Statutory/Other Authority: ORS 675.510 - 675.600, OAR 137-001-0005 - 137-001-0100~~

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



AMEND: 877-005-0101

RULE SUMMARY: The proposed amendment would specify that students in accredited graduate degree programs may practice clinical social work under the direction of the college or university. The amendments further specify that the authorization to practice clinical social work only exists during the time the student is working in an approved internship placement.

CHANGES TO RULE:

877-005-0101

Authorization for Graduate Students to Practice Clinical Social Work ¶¶

(1) A student in a social work graduate degree program at a college or university accredited by or considered in candidacy status by a credentialing body recognized by the board under OAR 877-020-0009, 877-015-0108 and 877-020-0021 may practice clinical social work under the direction of the college or university.¶¶

(2) An authorization to practice clinical social work under section (1) of this rule expires upon the completion of required field instruction for the student.¶¶

(3) Authorization to practice under this rule only applies at the approved field placement site at which a student is place, only for the duties the student performs as an intern, and only for the period of time the placement is approved and supervised by the college or university.

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~~