

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 877
BOARD OF LICENSED SOCIAL WORKERS

FILED

01/20/2022 11:07 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed amendments to rules regarding social work licensing - Procedures for licensed clinical social workers

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
randy.harnisch@blsw.oregon.gov

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)

Proposed rules will repeal definitions because they have been moved to Division 001 of this chapter; moves definition of "good moral character" to Division 001 and require at least 2 years supervision before exam approval; allow one supervision meeting per month after plan complete; permit supervision meetings by telephone and video; require 15 hours training for supervisors; clarify requirements for practice prior to issuance of Oregon license; allow degrees issued by schools in accreditation candidacy for temporary CSWA; replace "accept" with "approve"; clarify that no CE required if inactive status is less than two years.

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 amendment will not affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

Proposed amendments will have no fiscal or 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.

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.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

877-020-0000, 877-020-0008, 877-020-0010, 877-020-0012, 877-020-0016, 877-020-0021, 877-020-0031, 877-020-0036, 877-020-0046, 877-020-0055, 877-020-0057

REPEAL: 877-020-0000

RULE SUMMARY: The definitions contained in this rule are being moved to Division 001 of this chapter.

CHANGES TO RULE:

877-020-0000

Definitions

~~An "agency" is a private or public organization that, through its employees, engages in clinical social work (defined in ORS 675.510 (2)) generally characterized by the following:~~

- ~~(1) Cases are assigned through a central process;~~
- ~~(2) Billing is centralized and done in the organization's name;~~
- ~~(3) The organization collects all fees including deductibles and co-payments;~~
- ~~(4) The organization controls client records and is responsible for their proper storage and destruction;~~
- ~~(5) The organization displays its name on the premises so as to be clearly visible to clients;~~
- ~~(6) The name of the organization is on all forms given to the client;~~
- ~~(7) The organization maintains the responsibilities for hiring and firing of staff;~~
- ~~(8) Supervision of clinical social work associates is provided on a regular basis; and~~
- ~~(9) Policies and procedures of the organization are available in written form for the staff and clients.~~

~~Statutory/Other Authority: ORS 675.510 - 675.600, 675.990~~

~~Statutes/Other Implemented: ORS 675.590~~

AMEND: 877-020-0008

RULE SUMMARY: The proposed amendments would change change "person" to "applicant". The amendment would specify that an applicant for an LCSW must complete at least 2 years of supervision and 75 hours of supervision meetings before being approved to take the ASWB clinical-level exam.

CHANGES TO RULE:

877-020-0008

Licensing Requirements ¶

To be eligible for an initial clinical social work license, except when the provisions of OAR 877-020-0016 apply, a ~~person~~ applicant must meet the requirements in sections (1) through (5) of this rule:¶

(1) The ~~person~~ applicant must complete the requirements in OAR 877-020-0009 to receive a certificate of social work associate and must hold a current certificate in good standing, or must have completed the equivalent of this requirement in another state.¶

(2) 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. The board uses the following additional 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 doubt about the individual's honesty, fairness, or respect for the rights of others or for the laws of the state or nation. The conduct or acts in question should be rationally connected to the applicant's fitness to practice clinical social work as defined by the Board in rule; and~~¶

(B) A personal history of conduct that is consistent with the standards contained in 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, if appropriate.¶

(3) The ~~person~~ applicant must complete the requirements of an approved plan of practice and supervision in accordance with the rules in this division of rules.¶

(4) The ~~person~~ applicant must pass both the ~~following~~ examination administered by the board on the subjects listed in section (5)(a) of this rule with a score of not less than 90 per cent and a national examination for clinical social workers administered by an organization approves:¶

(a) the examination on BLSW Oregon statutes and rules administered by the board on the subjects listed in section (5)(b) of this rule. The person may take the national exam any time after having completed 75 hours of supervision required in OAR 877-020-0010(3)(b)(A).¶

~~(5) The subjects tested on the exam are:~~¶

~~(a) For the examination on the Oregon statutes and rule with a score of not less than 90 per cent on the following subjects:~~¶

~~(A) The contents of ORS 675.510 to 675.600 and OAR chapter 877, which are the Oregon statutes and administrative rules governing the practice standards and responsibilities of a licensed clinical social worker; and~~¶

~~(B) Oregon Revised Statutes relating to mental health practice that may be relevant to clinical social work practice.~~¶

~~(b) For the national examination: the Association of Social Work Boards' clinical-level examination on the following subjects:~~¶

~~(A) Human Development, Diversity and Behavior in the Environment;~~¶

~~(B) Assessment, Diagnosis and Treatment Planning;~~¶

~~(C) Psychotherapy, Clinical Interventions and Case Management; and~~¶

~~(D) Professional Ethics and Values.~~¶

(5) An applicant for the Licensed Clinical Social Work license may take the ASWB clinical-level exam after having completed at least 2 years of supervision under an approved Plan of Supervision and at least 75 hours of supervision required in OAR 877-020-0010(3)(b)(A).

Statutory/Other Authority: ORS 675.510 - 675.600, 675.990

Statutes/Other Implemented: ORS ~~675.535~~675.10 - 675.600

AMEND: 877-020-0010

RULE SUMMARY: The proposed amendments to this rule will allow telephone supervision meetings in any situation, not only limited to emergency situations. The amendments would allow an associate to request a reduction in required supervision meetings to a minimum of 1 hour meeting per month if the associate's work hours are reduced or the associate has an illness or other family responsibility.

CHANGES TO RULE:

877-020-0010

Plan of Practice and Supervision ¶¶

- (1) After a person submits an application described in OAR 877-020-0009, the board will inform the person whether the application, including the plan of practice and supervision, is approved.¶¶
- (2) ~~After an application has been approved,~~ an associate may request a change to a plan of practice and supervision by submitting a request to the board that provides a justification for the change and ensures that the plan, as modified, will meet the requirements of this division of rules.¶¶
- (3) For the associate to satisfactorily complete a plan of practice and supervision, the following requirements must be met while the associate is working under an approved plan of practice and supervision:¶¶
- (a) The contact with clients described in OAR 877-020-0009(4)(b) must be direct contact, as defined in OAR 877-001-0006 (7) during which the associate practices clinical social work, which is defined in ORS 675.510(2).¶¶
- (b) The associate must meet with a supervisor identified in the plan, as required in OAR 877-020-0009(4)(d):¶¶
- (A) For a total of 100 hours over a period of not less than 24 consecutive months nor more than 60 consecutive months, of which a minimum of 50 hours must be individual supervision. The board may, at their discretion, approve a written request to extend a plan of supervision beyond the 60 month period. The associate must meet at least twice each month with a plan supervisor for a minimum of one hour. If there is a second supervisor for group supervision, the requirement in this paragraph (A) is met by a single one-hour meeting with each supervisor.¶¶
- (B) After the associate has completed the plan requirements regarding supervision contained in paragraph (A) of this sub-section and the requirements regarding practice hours and direct client contact hours contained in OAR 877-020-0009 (4), the associate must continue to meet at least once each month with a plan supervisor for a minimum of one hour.¶¶
- (c) At least 50 supervision hours, group or individual, must be with a supervisor as defined in OAR 877-020-0012(1) or ~~(23)~~(a).¶¶
- (d) No more than 50 supervision hours, group or individual, may be with a supervisor as defined in OAR 877-020-0012~~(23)~~(b).¶¶
- (e) Supervision required in this rule must be accomplished:¶¶
- (A) In person, in a professional setting; or¶¶
- (B) By electronic video-conferencing media, ~~provided that the first and final supervisory sessions and at least one supervisory session each quarter be conducted in person pursuant to subsection (A) above or telephone.~~¶¶
- (f) The associate must submit to the board, on a form provided by the board, each evaluation by the supervisor (or supervisors in the event two or more are authorized) required by OAR 877-020-0012~~(2)~~~~(e)~~(A~~8~~) of the progress by the associate toward completion of the plan.¶¶
- (g) The associate must pass the national examination required by OAR 877-020-0008.¶¶
- (h) The associate ~~must~~should work with each supervisor identified in an approved plan for not less than six months unless¶¶
- (A) A change in supervision is required by a reason outside the control of the associate ~~and the board approves the change;~~ or¶¶
- (B) The associate has completed the requirements of the plan.¶¶
- (4) ~~In the event of a disaster or emergency declared by the Governor of Oregon, the supervision requirements set out~~ associate may request in writing a reduction of the requirements for at least two supervision meetings per month, as required in subsection (3)(e)(B) above all may be conducted via telephone or electronic video-conference, with no requirement for any in-person meetings, during the period of the emergency declaration and for 90 days following the lifting of the emergency declarat of this rule, to one supervision meeting per month.¶¶
- (a) The board will consider the following in deciding whether to approve the reduction:¶¶
- (A) the circumstances supporting a reduction in supervision, for example reduced work hours or illness or family responsibilities; and¶¶
- (B) the estimated time period.¶¶
- (b) A reduction in required supervision meeting pursuant to this subsection will not require a change to the

associate's approved plan of supervision.

Statutory/Other Authority: ORS 675.510 - 675.600, 675.990

Statutes/Other Implemented: ORS ~~675.537~~10 - 675.600

AMEND: 877-020-0012

RULE SUMMARY: The proposed amendments to this rule would increase the continuing education on supervision required to serve as a plan supervisor from 6 hours to 15 hours. The amendment would require that a supervisor have the authority to "review and consult" rather than "direct" an associate's treatment plans and caseload.

CHANGES TO RULE:

877-020-0012

Requirements of Supervision ¶

(1) An associate or applicant's plan supervisor must be an Oregon licensed clinical social worker, approved by the board at the time the applicant submits the plan of practice and supervision for approval, except as provided in subsection (23) of this rule. ¶

(2) A plan supervisor approved under Section 1 of this rule: ¶

(a) Must have completed two years of licensed practice; ¶

(b) Must have completed and reported to the board at least fifteen (15) hours of initial continuing education hours described in OAR 877-025-0006(1) through (5) in techniques of supervision prior to commencing the supervision of an associate and must complete at least six (6) hours of continuing education on supervision every five years; and ¶

(c) Must have passed the examination on BLSW Oregon rules and statutes described in OAR 877-020-0008 (4)(a) within five years prior to commencing the supervision of an associate. ¶

(3) Upon request of an associate or applicant, the board may authorize a supervisor who is one of the following: ¶

(a) A person who meets the following requirements for licensure but has not been licensed by the board or a licensed clinical social worker issued in another state, whose license is in good standing, and who has met requirements that are substantially equivalent to: ¶

(A) The educational requirement in OAR 877-020-0009(2); ¶

(B) The fitness requirement in OAR 877-020-0009(3); and ¶

(C) The field experience requirement described in OAR 877-020-0009(4); or ¶

(b) A clinical psychologist licensed in Oregon or a psychiatrist licensed in Oregon. ¶

(34) A plan supervisor approved under Section 13 of this rule: ¶

(a) Must have completed two years of licensed practice; ¶

(b) Must have completed and reported to the board at least six must pass the examination on BLSW Oregon rules and statutes described in OAR 877-020-0008 (4)(a), and must have completed at least fifteen (15) hours of initial continuing education hours described in OAR 877-025-0006(1) or through (25) in techniques of supervision within five years prior to commencing the supervision of an associate; and ¶

(c) Must have passed the examination on Oregon rules and statutes described in OAR 877-020-0008 must complete at least six (46) and (5) within five years prior to commencing the supervision of an associate hours of continuing education on supervision every five years. ¶

(45) A plan supervisor approved under section 1 or 2 of this rule must pass the examination on Oregon rules and statutes described in OAR 877-020-0008-(4) and (5), and must have completed at least six hours of continuing education hours described in OAR 877-025-0006 (1) or (2(a)) within five years prior to commencing the supervision of an associate. ¶

(56) A plan supervisor approved under section 1 or 2 of this rule must pass the examination on Oregon rules and statutes described in OAR 877-020-0008(4) and (5) within five years prior to commencing the supervision of an associate. ¶

(6) Requirements of the supervision. The Plan of Supervision must address the following requirements: ¶

(a) The associate may have one supervisor for individual supervision and a different supervisor for group supervision; ¶

(b) The relationship between the supervisor and the associate must be of a professional nature, and the ethical standards for social workers, including standards contained in this division of rules, are applicable to each of them; and ¶

(c) The supervisor must have the authority to direct review and consult regarding the caseload and treatment plans of the associate. ¶

(d7) In order that the goals of the supervision are reached: ¶

(Aa) The supervisor and associate are expected to discuss cases with each other based on case notes, charts, records, and audio or visual tapes of clients, if available; ¶

(Bb) The associate must present to the supervisor assessments, diagnoses, and treatment plans of clients seen by the associate; ¶

- (C) The treatment plans presented by the associate must be appropriate, and the supervisor must focus on the therapeutic skill of the associate in promoting change in the client; and
- (D) The supervisor must have the authority to determine the appropriateness of the associate's client population to the associate's level of expertise.
- (e) A licensed clinical social worker or other person authorized by the board who agrees to supervise an associate must:
- (A) Submit to the board at intervals not to exceed six months an evaluation of the associate's progress toward completion of the plan, on a form provided by the board;
- (B) Report to the board in writing immediately ~~in the event~~ if the associate is not complying with the plan of practice and supervision;
- (C) Report to the board in writing immediately ~~in the event~~ if the relationship between the supervisor and the associate ends earlier than the date provided for in the Plan; and
- (D) Make other reports as required by the board.
- (f) Clinical social workers who participate in supervision that is conducted by electronic video-conferencing media and telephone must:
- (A) Ensure that clients whose records may be discussed as a part of the supervision provide written consent to having confidential records and information transmitted electronically;
- (B) Conduct the video-conference or telephone call in a setting and in a manner that protects the privacy of both parties; and
- (C) Utilize secure transmittal methods, (encryption, for example) to maintain confidentiality of the information.
- Statutory/Other Authority: ORS 675.510 - 675.600, 675.990
Statutes/Other Implemented: ORS ~~675.537~~675.537 - 675.600

AMEND: 877-020-0016

RULE SUMMARY: The proposed amendments to this rule would clarify the term "applicant" to refer to the person applying for an Oregon social work license. The amendment further clarify that an individual already licensed as a CSWA who intend to practice clinical social work in Oregon prior to being issued an Oregon LCSW must comply with supervision CSWA requirements.

CHANGES TO RULE:

877-020-0016

Licensing of People Qualified in Another Jurisdiction ¶

(1) A person licensed, certified, or registered as a social worker in another jurisdiction is eligible to be licensed or certified in Oregon if:¶

(1a) The ~~person~~applicant meets the education requirement in OAR 877-020-0009(2) and 877-015-0108(2);¶

(2b) The ~~person~~applicant is fit to practice regulated social work in Oregon. In making this fitness determination, the board will consider whether the ~~person~~applicant is the subject of an investigation or disciplinary action by a licensing board and the reasons for the action;¶

(3c) As a condition of licensure, certification, or registration in the other jurisdiction, the ~~person~~applicant was required to meet requirements substantially equivalent to those set out in division 20 and division 15 of these rules; as applicable; and¶

(4d) The ~~person~~applicant successfully completes the exam on Oregon statutes and rules and the national exam for regulated social workers described in and subject to the limitation in 877-020-0008(4)(a) and (b) and 877-015-0108(5)(a) and (b).¶

(52) Applicants for LCSW licensure who intend to practice clinical social work in Oregon as defined in ORS 675.510(2) and OAR 877-001-0006(4) prior to issuance of an Oregon LCSW license, must first, prior to starting practice, qualify for and be issued a clinical social work associate certificate until all requirements for issuance of an Oregon LCSW are met.¶

(63) Applicants for Oregon LCSW licensure who qualify for issuance of a CSWA certification as required in ~~subsection (5) of this rule~~ OAR 877-020-0009 and who intend to practice clinical social work in Oregon as defined in ORS 675.510(2) and OAR 877-001-0006 prior to issuance of an Oregon LCSW license must comply with the supervision requirement in 877-020-0010(3)(b)(B).

Statutory/Other Authority: ORS 675.510 - 675.600, 675.900

Statutes/Other Implemented: ORS 675.535(4)10 - 675.600

AMEND: 877-020-0021

RULE SUMMARY: The proposed amendment to this rule specifies that the Board will accept degrees issued by a college or university in candidacy status for accreditation by the CSWE or CASWE.

CHANGES TO RULE:

877-020-0021

Requirements for Temporary Certificate of Clinical Social Work Associate ¶¶

(1) To be eligible for a temporary certificate of clinical social work associate, a person must:¶¶

(a) Submit a complete and accurate application on a form provided by the board;¶¶

(b) Hold a master's degree in social work from a college or university accredited 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;¶¶

(c) Meet the fitness requirements of OAR 877-020-0008(2); and¶¶

(d) Pass the examination administered by the board on the subjects listed in OAR 877-020-0008(5)(a) with a score of not less than 90 per cent.¶¶

(2) A temporary certificate of clinical social work associate issued by the board expires, if not earlier terminated, when the board approves or proposes to deny a plan of practice and supervision pursuant to OAR 877-020-0009 or 180 days after issuance, whichever is less.¶¶

(3) An individual holding a temporary certificate of clinical social work associate may not engage in the practice of clinical social work.¶¶

(4) An unrestricted certificate of clinical social work associate will be issued following the board's approval of a plan of practice and supervision that meets the requirements of OAR 877-020-0009(4).¶¶

(5) An individual holding a temporary certificate of clinical social work associate may not accrue practice or supervision hours.

Statutory/Other Authority: ORS 675.510 - 675.600, 675.990, ~~Enrolled HB 2473 (2015)~~

Statutes/Other Implemented: ORS 675.537, ~~Enrolled HB 2473 (2015)~~, 10 - 675.600

AMEND: 877-020-0031

RULE SUMMARY: The proposed amendment to this rule would clarify the process for surrendering a license or certificate.

CHANGES TO RULE:

877-020-0031

Surrender of License or Certificate ¶¶

(1) ~~All~~ licensed clinical social workers or clinical social work associates may offer to surrender ~~his or their~~ license or certificate at any time. ¶¶

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

(3) ~~¶ If a complaint is pending: ¶¶~~

~~(a) A~~ licensed clinical social workers or clinical social work associates may offer to surrender ~~his or their~~ license or certificate after a complaint has been filed with the board or after the board has initiated disciplinary action. ~~Such an offer to surrender may be accepted~~ approved by the board, ~~and the board may make acceptance approval~~ contingent upon terms of a final order in a contested case. ¶¶

~~(b) 4~~ If the surrender of a license or certificate is required by a final order in a contested case, the final order may specify whether and under what conditions the holder of the license or certificate may apply for a new license or certificate and may attach conditions that restrict the use of the license or certificate.

Statutory/Other Authority: ORS 675.510 - 675.600, 675.900

Statutes/Other Implemented: ORS ~~675.595~~ 675.510 - 675.600

AMEND: 877-020-0036

RULE SUMMARY: The proposed amendment to this rule would clarify the process for re-applying for a license following surrender of a license.

CHANGES TO RULE:

877-020-0036

Reapplication for Certificate or License ¶¶

(1) Following the voluntary surrender of a certificate or license under OAR 877-020-0031(2), ~~the board may issue a new certificate or license if:¶¶~~

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

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

~~(c) The applicant takes and passes the examinations described in OAR 877-020-0008. an individual may re-apply for licensure under the requirements 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 of a certificate or license after a complaint was filed with the board against the holder while the complaint is pending, the board may issue a new certificate or license under conditions that take into account the circumstances of the surrender and may attach conditions to the certificate or license, including conditions contained in a final order if one was served in connection with the surrender. The board will not reinstate a license or certificate that has been surrendered. A person who surrenders a certificate or license may apply for a new license three years after the date the surrender was accepted by the board.¶¶

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

Statutory/Other Authority: ORS 675.510 - 675.600, 675.900

Statutes/Other Implemented: ORS ~~675.595~~675.510 - 675.600

AMEND: 877-020-0046

RULE SUMMARY: The proposed amendments to this rule would clarify the process for placing a license or certificate in inactive status.

CHANGES TO RULE:

877-020-0046

Inactive Status ¶

(1) Upon written request ~~and certification~~ by a certified social work associate or a licensed clinical social worker who plans not to practice clinical social work in Oregon for an extended period of time, the board may place a certificate or license in inactive status.¶

(2) A certified social work associate or licensed clinical social worker whose certificate or license is in inactive status is subject to the requirements imposed on certified social work associates and licensed clinical 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, a certified social work associate or licensed clinical social worker 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 th~~ certified social work associate or licensed clinical social worker whose certificate or license while it is in inactive, the associate or licensee must certify on a form provided by the board that the associate or licensee will not use a status may not use the title "social worker" or any other title that would indicates that the person has an is authorized to practice regulates social work while the certificate or license is inactive.¶

(4) When 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.

Statutory/Other Authority: ORS 675.510 - 675.600, 675.900

Statutes/Other Implemented: ORS 675.5610 - 675.600

AMEND: 877-020-0055

RULE SUMMARY: The proposed amendments to this rule would clarify the process for re-activating an inactive license. Specifically, the amendment would require the BLSW rules and laws exam as a condition of reactivation if the license was inactive for more than 2 years.

CHANGES TO RULE:

877-020-0055

Return to Active Status for Licensees ¶

- (1) The holder of an inactive certificate or license ~~may~~must 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) As a condition of approving the request, the board may require the holder to work under a plan of practice and supervision, or to meet other requirements that demonstrate the holder's fitness before re-activating the license. The requirement to work under a plan of practice and supervision is based on the candidate's circumstances, including the candidate's practice experience and the duration of the inactive period. ~~Normally, the board will not impose a requirement to work under a plan of practice and supervision if the period of inactive status is less than five years.~~¶
- (4) The holder of an inactive license must pass the examination on Oregon statutes and rules described in OAR 877-020-0008~~(54)~~(a) 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 license was inactive.
Statutory/Other Authority: ORS 675.510 - 675.600
Statutes/Other Implemented: ORS 675.510 - 675.600, 675.900

REPEAL: 877-020-0057

RULE SUMMARY: The rule is proposed for repeal because it has been moved to the definitions section of Division 001.

CHANGES TO RULE:

~~877-020-0057~~

~~Lapsed and Expired Licenses and Certificates~~

- ~~(1) A license or certificate that is not renewed by the end of the 30th day following the renewal date is 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 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.~~
- ~~(4) A person whose license or certificate has expired may apply to the board to receive a new license or certificate.~~
- ~~(5) To be eligible for a new license, an applicant whose license has expired:~~
 - ~~(a) Must meet the degree requirements in OAR 877-020-0009(2);~~
 - ~~(b) Must meet the fitness requirements in OAR 877-020-0008(2) 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 877-020-0008(4) and (5)(b);~~
 - ~~(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) and (5)(a).~~
- ~~(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) For the purposes of subsection (6) of this rule: "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" for purposes of subsection (6) of this rule 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.~~
- ~~(8) 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~~

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