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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 833
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

FILED

08/09/2023 1:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Limited permit, renewal processes and requirements, client records, fee reductions, alternative name, and cleanup.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2023 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The Board needs to implement changes associated with the passing of House Bill 5024 (Agency 2023-25 budget, which includes fee reductions) and House Bill 3300 (limited permits and removal of annual renewal requirement). Regarding the limited permit, the Board wishes to offer a limited practice option outside of regular full licensure for individuals who are licensed as a professional counselor or marriage and family therapist outside of Oregon, allowing them to provide limited services to a client who relocates to the State, or to an Oregonian who has a particular need. The regular licensure process takes time to ensure qualifications are met, requires a larger application fee in proportion to the limited services that are being sought, and comes with added requirements like continuing education. The Board seeks to reduce potential service gaps and discontinuity of care for clients who rely on behavioral health services.

Regarding the fee reductions, the Board recognized that this was possible due to significant growth in the volume of applications, registrants, and licensees, along with efficiencies created under the new Mental Health Regulatory Agency structure established in 2018. The Diversity Study produced by Keen Independent Research (Keen) in December 2022 noted that higher licensing fees may add a financial barrier for individuals with socioeconomic disadvantages. The Board determined that reducing licensing fees was an appropriate balance.

Regarding the change from annual to biennial renewals, the Board determined that this change was needed to help reduce the paperwork burden on licensees, and to reduce the workload for staff who are facing an ever-increasing volume of licensees to assist in this process (helping keep staffing costs down). Over the past ten years, the total volume of licensees has grown by an average of 9.4% per year. The Diversity Study found that the annual frequency of LPC and LMFT license renewals, compared to biennial renewals conducted by other boards, creates extra workload and increases the opportunity for renewals to be subject to late fees or for licenses to lapse. This adds the risk of professionals needing to reapply and cease practice until relicensed.

Similarly, the Board recognized that the requirement to submit supervision reports every six months caused a paperwork burden on both supervisors and registrants to complete and submit, and for staff to review and process. It also increases the risk of reports being submitted late. While it is important to enforce consistent reporting standards to ensure the experience and progress is sufficiently documented, the Board determined that extending this to an annual reporting period is still sufficient to maintain these standards. Removing the requirement for the Board to deny all clinical hours when the report is submitted past the due date will allow grace for those working towards licensure, to remove a potential delay for professionals seeking to be promoted to licensure.

Additionally, the Board found that various rule language needed updating due to the recent implementation of an online licensing system, to eliminate obsolete provisions, and to clarify processes. The added requirement to notify the Board of nicknames or alternative personal names will help bolster transparency to the public, facilitate clients' access to their counseling/therapy records, and avoid unnecessary allegations of unlicensed practice.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR Chapter 833 and ORS Chapter 675 are available on the OBLPCT website at <https://www.oregon.gov/OBLPCT/Pages/LawsRules.aspx>. House Bill 5024 can be found on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB5024>; and House Bill 3300 can be found at <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3300>. The Diversity Study prepared by Keen Independent Research, LLC is available on the OBLPCT website at https://www.oregon.gov/oblpc/Documents/Diversity_Study_12-22.pdf.

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

This rule amendment is likely to promote racial equity in the state. As described above, the Board is pursuing changes that remove unnecessary barriers to licensure in Oregon while maintaining strong consumer protection standards consistent with its mission. The Diversity Study produced by Keen Independent Research (Keen) in December 2022 identified renewal fee reductions and renewal frequency (from annual to biennial) as factors that could positively support equity and diversity efforts within these professions. Stringent rule requirements for denial of supervised hours limits the pool of registered associates that qualify for licensure in Oregon. Keen recommended removing unnecessary procedural hurdles to licensure that may cause confusion and/or add little or no value. The Board proposes that policy changes that will result in increased diversity within the counseling and therapy professions will positively affect racial equity in the State.

FISCAL AND ECONOMIC IMPACT:

On renewal fees, active licensees will save \$20 per year, inactive licensees will save \$10 per year, and registered associates will save \$15 per year. New licensees will save \$10 on the initial license fee, and those applying for temporary practice authorization will save \$100. Though it difficult to quantify, this rule is expected have a positive fiscal impact on registered associates and licensees who will experience a reduced risk for delinquent fees and the financial consequences associated with license/registration lapse and denial of supervised experience hours towards licensure. Updating and clarifying the rules benefits everyone. Reduced paperwork means more time that may be dedicated to client care and other billable activities.

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).

None. Businesses are not subject to this rule. The Board will absorb the costs required to implement these changes within its current staffing levels and budgeted resources.

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

Small businesses were not directly involved; however members of the Board who developed these amendments represent small businesses. Many participants in the Keen research who provided their opinions and observations represent small businesses as well.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Board did not determine that an additional committee beyond the eight-member Board and its staff was necessary to develop the rules. The Board benefitted from the extensive research and recommendations that were a part of the Keen study, which included examination of Board policies and processes, demographics analysis of the professions, review of academic literature, comparative analysis with other states, and significant stakeholder feedback that included a virtual workshop, in-depth interviews, and focus groups. Additionally, the House Bills being implemented here were discussed and presented before various legislative committees, with the opportunity for public testimony, during the 2023 Legislative Session.

RULES PROPOSED:

833-020-0102, 833-020-0200, 833-050-0031, 833-050-0071, 833-050-0091, 833-050-0111, 833-050-0131, 833-050-0161, 833-070-0011, 833-075-0020, 833-075-0060, 833-075-0070, 833-080-0011, 833-080-0051, 833-100-0011, 833-100-0012, 833-100-0021, 833-110-0031

ADOPT: 833-020-0102

RULE SUMMARY: Implements new limited permit as authorized by House Bill 3300 (2023).

CHANGES TO RULE:

833-020-0102

Limited Permit

(1) The Board may grant a non-renewable limited permit to practice professional counseling or marriage and family therapy in the State of Oregon as follows:¶

(a) A professional counselor limited permit may be issued to applicants that possess a current, active license to practice professional counseling in good standing in another state based on a graduate degree.¶

(b) A marriage and family therapist limited permit may be issued to applicants that possess a current, active license practice marriage and family therapy in good standing in another state based on a graduate degree.¶

(2) A limited permit is for individuals to provide professional counseling or marriage and family therapy services only for a limited specific purpose and time-specific period. It is not intended to be a substitute for or to allow unlimited, general provision of services in Oregon.¶

(3) To qualify for a limited permit, an applicant must submit to the Board:¶

(a) An application for a limited permit in a form and manner prescribed by the Board;¶

(b) Verification of licensure in good standing in another state;¶

(c) A statement certifying that the applicant has read and understands Oregon law and administrative rule pertaining to the practice of professional counseling or marriage and family therapy and the Board's adopted code of professional conduct; ¶

(d) A statement of work that includes the limited purpose, location, and specific dates of service to be rendered;¶

(e) Other clarifying information requested by the Board; and¶

(f) The limited permit fee. This fee is not refundable, regardless of an applicant's inability to qualify for a permit.¶

(4) A limited permit issued by the Board:¶

(a) Is effective for no more than 30 days in a 12-month period. The 30 days may be nonconsecutive.¶

(b) Expires if the person is no longer actively licensed to practice professional counseling or marriage and family

therapy in another state.

Statutory/Other Authority: ORS 675.785 - 675.835

Statutes/Other Implemented: House Bill 3300 (2023)

AMEND: 833-020-0200

RULE SUMMARY: Adds requirement for temporary practitioners to provide nickname or alternative personal name to the Board. Allows domestic partners of military Armed Forces members to qualify for authorization. Makes amendments to provide information consistent with new online licensing system.

CHANGES TO RULE:

833-020-0200

Temporary Practice Authorization

(1) The Board may grant a temporary practice authorization to the spouse or domestic partner of a member of the Armed Forces of the United States who is stationed in Oregon as follows:¶

(a) Temporary Professional Counselor Authorization may be issued to applicants that possess a current, active license to practice professional counseling in good standing in another state based on a graduate degree.¶

(b) Temporary Marriage and Family Therapist Authorization may be issued to applicants that possess a current, active license practice marriage and family therapy in good standing in another state based on a graduate degree.¶

(c) To qualify for Temporary Practice Authorization, an applicant must be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed.¶

(2) A Temporary Practice Authorization issued by the Board is not renewable, and is only valid until the earliest of the following:¶

(a) Two years after the date of issuance;¶

(b) The date the spouse or domestic partner of the person to whom the temporary practice authorization was issued completes the spouse's or domestic partner's term of service in Oregon; or¶

(c) The date the person's authorization issued by another state expires.¶

(3) To apply for a Temporary Practice Authorization, an applicant must submit to the following in a form and manner prescribed by the Board's office:¶

(a) A complete Temporary Authorization Application;¶

(b) A copy of the marriage certificate evidence of marriage or domestic partnership (such as marriage certificate or domestic partnership registration) showing the name of the applicant and the name of the active duty member of the Armed Forces of the United States;¶

(c) A copy of the assignment to a duty station located in Oregon by official active duty military order for the spouse named in the marriage certificate or domestic partner named in the document described provided under (b), above; and¶

(d) The temporary practice authorization fee. This fee is not refundable, regardless of an applicant's inability to qualify for temporary practice authorization.¶

(4) All applicants must pass an Oregon law and rules examination pursuant to OAR 833-020-0081 before the authorization will be issued.¶

(5) Current Information to the Board. An applicant or person who has been granted a temporary practice authorization must provide current contact information to the Board, and must notify the Board within 30 days in a form and manner prescribed by the Board if any information submitted on the application changes, including but not limited to:¶

(a) Public and mailing address;¶

(b) Telephone number;¶

(c) Electronic mail address;¶

(d) Any nickname or alternative personal name used by the individual;¶

(e) Change of name, which must be accompanied by acceptable identification and a copy of the legal document showing the name change;¶

(f) Character and fitness information, including complaints, disciplinary actions, employment investigations that lead to termination or resignation, and civil, criminal, or ethical charges;¶

(g) The status of the license to practice professional counseling or marriage and family therapy in another state; and¶

(h) The status of the spouse's or domestic partner's term of service in Oregon.

Statutory/Other Authority: ~~HB 3030 (2019), SB 688 (2019)~~ ORS 670.400, ORS 676.308, ORS 675.785

Statutes/Other Implemented: ~~HB 3030 (2019), SB 688 (2019)~~ ORS 670.400, ORS 676.308, ORS 675.785

AMEND: 833-050-0031

RULE SUMMARY: Corrects registrant title.

CHANGES TO RULE:

833-050-0031

Registered Associate Professional Disclosure Statement ¶¶

(1) Registered associates must furnish clients with a copy of a Board-approved professional disclosure statement (PDS) before providing counseling or therapy. When providing disclosure statements via electronic communication, registered associates must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.¶¶

(2) A professional disclosure statement must include the following information about the registered associate:¶¶

(a) Name, business address and telephone number;¶¶

(b) Name of the registered associate's supervisor(s);¶¶

(c) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the registered associate subscribes;¶¶

(d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;¶¶

(e) Supervision requirements;¶¶

(f) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;¶¶

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;¶¶

(h) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon ~~license~~ registered associates have the right:¶¶

(A) To expect that an registered associate has met the minimum qualifications of training and experience required by state law;¶¶

(B) To examine public records maintained by the Board and to have the Board confirm credentials of a registered associate;¶¶

(C) To obtain a copy of the Code of Ethics;¶¶

(D) To report complaints to the Board;¶¶

(E) To be informed of the cost of professional services before receiving the services;¶¶

(F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Registered associates must include an explanation of each exception to confidentiality;¶¶

(G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.¶¶

(i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and¶¶

(j) A statement indicating the following: "Additional information about this registered associate is available on the Board's website: www.oregon.gov/obl/pct."¶¶

(3) The professional disclosure statement must be accessible to people with disabilities.¶¶

(4) Registered associates will assist their clients to understand the information in the professional disclosure statement.¶¶

(5) Whenever a registered associate changes the professional disclosure statement, the new statement must be provided to the Board for approval.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-050-0071

RULE SUMMARY: Removes obsolete reference to a repealed rule division.

CHANGES TO RULE:

833-050-0071

Direct Client Contact ¶¶

(1) Registered associates must complete at least three years, defined as 36 months, of supervised clinical experience which must include no less than 1,900 hours of supervised direct client contact to qualify for licensure.¶¶

(2) Registered associates may count direct client contact hours acquired outside an associate registration plan only as follows:¶¶

(a) Up to one year of full-time supervised clinical experience and 400 direct client contact hours accrued as part of a graduate degree internship;¶¶

(b) Post-graduate degree supervised direct client contact hours completed in Oregon prior to June 30, 2002; and¶¶

(c) Post-graduate degree supervised direct client contact hours completed in another jurisdiction pursuant to the jurisdiction's laws and rules that meet the direct application method experience requirements.¶¶

(3) Applicants for LMFT must accrue 1,900 hours of supervised direct client contact with at least 750 of those hours working with couples and families to qualify for licensure.¶¶

(4) Applications for dual licensure as professional counselor and marriage and family therapist must meet the requirements for both licenses.¶¶

(5) Direct client contact must be face to face with a client or clients and/or contact via electronic communication consistent with OAR 833 division 90.¶¶

(6) Registered associates must receive and document supervision for and report all direct client contact hours at places of practice listed as part of their Board-approved plan.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-050-0091

RULE SUMMARY: Changes registered associate supervisor reporting obligation from six-month to annual period. Updates language to reflect the Board's recent implementation of an online licensing system.

CHANGES TO RULE:

833-050-0091

Supervisors Responsibilities ¶¶

(1) The supervisor must:¶¶

- (a) Review and evaluate appropriateness of client population and caseload, individual charts, case records and management, diagnostic evaluation and treatment planning, and methodologies for keeping client confidentiality.¶¶
 - (b) Recommend that the registered associate refer clients to other therapists when client needs are outside the registered associate's scope of practice.¶¶
 - (c) Ensure that letterhead, business cards, advertisements and directory listings, brochures, and any other representation includes the appropriate title as described in OAR 833-050-0111(1)(a) and the supervisor's name and designation as "supervisor."¶¶
 - (d) Assist the registered associate in developing a plan to prepare for and complete the competency exam in a timely manner.¶¶
 - (e) Notify the Board within 14 days and explain any significant interruption to supervision or expected termination of the supervisory relationship.¶¶
 - (f) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request.¶¶
 - (g) Be someone other than a spouse or relative by blood or marriage or a person with whom the registered associate has or had a personal relationship.¶¶
 - (h) Meet registered associate supervisor qualifications as required in OAR chapter 833, division 130.¶¶
 - (i) ~~Submit~~ Provide a written evaluation of the registered associate's skills and progress every ~~six months~~ annually and at the conclusion of the plan in a form and manner prescribed by the Board. The report must include progress toward completion of the registered associate's plan. Supervisors may report to the Board at any time deemed necessary. ~~Reports must be submitted on forms provided by the Board;~~¶¶
- (2) If a supervisor has professional or ethical concerns about a supervisee ~~being licensed~~, the supervisor must promptly notify the Board and provide the following information:¶¶
- (a) Specific concerns regarding conduct or performance;¶¶
 - (b) Steps taken to address the concerns;¶¶
 - (c) A remedial action plan with measureable outcomes to address the concerns; and¶¶
 - (d) The registered associate's progress to address the concerns expressed by the supervisor.¶¶
- (3) The Board may take any or all of the following actions to address concerns about registered associates:¶¶
- (a) Identify a new supervisor to work with the registered associate;¶¶
 - (b) Require an assessment of the registered associate's mental and/or physical health;¶¶
 - (c) Require the registered associate to seek personal therapy;¶¶
 - (d) Extend the associate registration;¶¶
 - (e) Require additional training for the registered associate;¶¶
 - (f) Place associate registration on hold; or¶¶
 - (g) Deny the registered associate a license.¶¶
- (4) A supervisor provides supervision only when the supervisor's professional competence is sufficient to meet the needs of the trainee or registered associate. A supervisor does not permit a trainee or registered associate under the supervisor's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or registered associate's level of training and accepts responsibility for the effects of the actions of the trainee or registered associate of which they should be aware.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-050-0111

RULE SUMMARY: Changes registered associate reporting obligation from six-month to annual period and at conclusion of supervision. Removes the requirement for the Board to deny all clinical hours when the report is submitted past the due date. Updates language to reflect the Board's recent implementation of an online licensing system.

CHANGES TO RULE:

833-050-0111

Registered Associates Responsibilities ¶¶

(1) The registered associate must:¶¶

(a) Indicate registration and use the title "Registered Associate", "Professional Counselor Associate", or "Marriage and Family Therapist Associate" in connection with a practice that is covered by an approved plan. All signed materials, letterhead, business cards, advertisements and directory listings, brochures, and any other representation must include the registered associate's appropriate title and the supervisor's name and designation as "supervisor".¶¶

(b) Take steps to ensure consistency in supervision throughout the associate registration.¶¶

(c) Provide the supervisor with a periodic evaluation of all cases and counseling or therapy activities in which the registered associate is engaged.¶¶

(d) Request approval from the Board to change supervisors more than three times during the associate registration plan period, and provide steps taken to ensure consistency when changing supervisors.¶¶

(e) ~~Submit to the Board reports that include the hours of direct client contact accrued by month for the six-month period.¶¶~~

(A) Reports of direct client contact hours and supervision reports annually and at the conclusion of supervision that include the supervisor's evaluation are due in the month following each six-month reporting period.¶¶

~~(B) If the Board receives the report after the due date, all hours submitted in the report will be denied.¶¶~~

(C) The Board may consider exceptions to this rule with documentation of extraordinary circumstances and the hours of direct client contact accrued by month in a form and manner prescribed by the Board.¶¶

(f) Notify the Board within 14 days and explain any interruptions or proposed termination of supervision or employment.¶¶

(2) The registered associate must submit a written request on a board approved form to the Board in order to change the associate registration plan. Approval of the following changes to the plan are required:¶¶

(a) Supervision;¶¶

(b) Employment;¶¶

(c) Practice locations; and¶¶

(d) Supervisor(s).¶¶

(3) A registered associate who files a request to change the associate registration plan must meet Board requirements in place at the time of the change request.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-050-0131

RULE SUMMARY: Updates language to reflect the Board's recent implementation of an online application system. Makes changes to the information applicants must provide at renewal, including the annual supervision report. Clarifies renewal procedures, including registration lapse and consequence.

CHANGES TO RULE:

833-050-0131

Associate Registration Renewal ¶¶

(1) ~~An~~ registered associate must renew registration annually each year following initial registration. Annual renewal is due by the registration expiration date, which occurs on the first day of the month of initial registration, to be considered timely. ¶¶

(2) Registration renewal requires the registered associate to ~~provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms~~ submit an application for registration renewal in a form and manner prescribed by the Board, which must include the renewal fee as established in OAR 833-070-0011, complete and truthful responses to all of the questions regarding character and fitness, registrant's current information and status, annual supervision report, and an updated Professional Disclosure Statement if there have been changes. ¶¶

(3) Late Renewal. A registered associate may renew a registration after the first day of the month but within the renewal month by, in addition to completing the requirement in section (2) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the associate registration will ~~be expired. Expired registered associates~~ lapse. An individual whose registration has lapsed must reapply pursuant to OAR 833-020-0071 in order to practice as a registered associate or be considered for licensure. ¶¶

(4) Renewal may be denied if any of the conditions of the plan are not being met. ¶¶

(5) Registered associates must renew registration annually until being granted a license or the expiration or denial of associate registration. ¶¶

(6) A former registered associate who allows their registration to lapse, and continues to practice professional counseling or marriage and family therapy unregistered in violation of ORS 675.825(1)(d), is subject to disciplinary action.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-050-0161

RULE SUMMARY: Adds requirement for registered associates to provide nickname or alternative personal name to the Board. Makes amendments to provide information consistent with new online licensing system.

CHANGES TO RULE:

833-050-0161

Current Information to Board ¶¶

- (1) All registered associates must provide current contact information to the Board, including:¶¶
 - (a) Physical residence address and post office box, if applicable;¶¶
 - (b) Electronic mail address;¶¶
 - (c) Home and work telephone numbers;¶¶
 - (d) Any nickname or alternative personal name used by the individual; and¶¶
 - ~~(de)~~ An updated, current Professional Disclosure Statement being provided to clients as required above.¶¶
 - (2) Registered associates must inform the Board office ~~in writing~~ of any changes to information within 30 days of the change in a form and manner prescribed by the Board.¶¶
 - (3) Registered associates must submit a change of name ~~form provided~~ in a form and manner prescribed by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.
- Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180
Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-070-0011

RULE SUMMARY: Implements licensure fee reductions and new limited permit fee as approved in the Agency 2023-25 budget (House Bill 5024) and House Bill 3300. Changes license renewal fees from annual to biennial, and allows proration to facilitate the transition. Removes reference to license reprinting, as the Board's licensing system issues digital licenses.

CHANGES TO RULE:

833-070-0011

Fees ¶¶

Fees established by the Board of Licensed Professional Counselors and Therapists are as follows:¶¶

(1) Application for licensure - \$175; applicants are also required to pay the actual cost to the Board to conduct a criminal background check.¶¶

(2) Initial license - ~~\$1215~~.¶¶

(3) ~~Annual~~ Biennial renewal of license (the Board will prorate this fee during the transition to biennial renewals):¶¶

(a) Active status license - ~~\$165290~~; or¶¶

(b) Inactive status license - ~~\$1080~~.¶¶

(4) Restoration fees:¶¶

(a) Delinquent fee for late renewals - \$50;¶¶

(b) Reactivation of inactive status license - \$125.¶¶

(5) Examination - Candidates will pay exam and exam administration fees to the prescribed examination providers.¶¶

(6) Duplicate license or certificate of licensure - \$5.¶¶

(7) Verification of licensure or examination scores for applicant or licensee to other licensing or certifying agencies - \$10.¶¶

(8) Annual renewal of associate registration in accordance with OAR 833-050-0131 - ~~\$1205~~.¶¶

(9) Temporary Practice Authorization - ~~\$505405~~.¶¶

(10) Limited Permit - \$100.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-075-0020

RULE SUMMARY: Updates language to reflect the Board's recent implementation of an online licensing system. Changes license renewal frequency from annual to biennial. Makes clarifications to renewal procedures, including renewal deadline, delinquent fee hardship waiver, and consequence of license lapse.

CHANGES TO RULE:

833-075-0020

License Renewal/Late Renewal ¶

(1) Before the Board will renew a license, a licensee must, no more than 45 days before or during the renewal month:¶

(a) ~~Submit a completed renewal form providing an application for license renewal in a form and manner prescribed by the Board, which will~~ must include responses to all character and fitness questions and a sworn statement that there is no reason for denial of renewal;¶

~~(b) Pay the appropriate renewal fee;~~¶

~~(c) Submit continuing education information detailing compliance with the requirements, if applicable~~ complete and truthful responses to all of the questions regarding continuing education, character and fitness, licensee's current information and status, and any other questions;¶

~~(b) Pay the appropriate renewal fee;~~¶

~~(c) Pay the delinquent fee (if any);~~¶

~~(d) Submit an updated professional disclosure statement, if there have been changes or if renewal information indicates that the one on file with the Board contains false, incomplete, outdated or misleading information; and~~¶

~~(e) Complete the required healthcare workforce data survey and pay the fee established by the Oregon Health Authority pursuant to ORS 676.410.~~¶

(2) Renewal Deadline. A license renewal is due by the license expiration date, which occurs biennially on the last day of the licensee's birth month. To be considered timely, a Licensee must submit their complete renewal application and correct fees no later than the license expiration date. Licensee holds the burden of proof of timely submission.¶

(3) Late Renewal. A licensee may renew a license in the month following the renewal month by, in addition to completing the requirements of section (1) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the license shall lapse. An individual whose license has lapsed shall not practice professional counseling or marriage and family therapy in Oregon unless the person applies for and is granted a new license by the Board or is otherwise exempted from licensure requirements.¶

~~(34) The licensee holds the burden of proof of submission of the items required for renewal. Failure to receive a courtesy reminder from the Board shall not relieve a licensee of the renewal requirements and consequences.~~¶

(45) The Board shall have discretion to waive the delinquent fee in cases of documented hardship. The written request for hardship waiver should be made as soon as practicable after the hardship has occurred, and must include:¶

(a) A detailed description of the hardship that caused the Licensee to submit their renewal late; and¶

(b) Any relevant supporting documentation of the hardship that occurred.¶

(6) A former licensee who allows their license to lapse, and continues to practice professional counseling or marriage and family therapy unlicensed in violation of ORS 675.825(1)(d), is subject to disciplinary action.

Statutory/Other Authority: ORS 675.785 - 675.835, ORS 676.410

Statutes/Other Implemented: ORS 675.785 - 675.835, ORS 676.410

AMEND: 833-075-0060

RULE SUMMARY: Adds requirement for licensees to provide nickname or alternative personal name to the Board.
Makes amendments to provide information consistent with new online licensing system.

CHANGES TO RULE:

833-075-0060

Current Information to Board ¶¶

- (1) All licensees must provide current contact information to the Board, including:¶¶
 - (a) Physical residence address and post office box, if applicable;¶¶
 - (b) Electronic mail address;¶¶
 - (c) Home and work telephone numbers;¶¶
 - (d) Any nickname or alternative personal name used by the individual; and¶¶
 - ~~(de)~~ An updated, current Professional Disclosure Statement being provided to clients.¶¶
 - (2) Licensees must inform the Board ~~office in writing~~ of any changes to information within 30 days of the change in a form and manner prescribed by the Board.¶¶
 - (3) Licensees must submit a change of name ~~form~~ in a form and manner prescribed by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.
- Statutory/Other Authority: ORS 675.785
Statutes/Other Implemented: ORS 675.755, 675.785

AMEND: 833-075-0070

RULE SUMMARY: Adds persons granted a limited permit as subject to client records requirements. Clarifies applicability of the seven-year retention period.

CHANGES TO RULE:

833-075-0070

Client Records ¶¶

(1) A licensed professional counselor, licensed marriage family therapist, registered associate, or person granted a limited permit or temporary practice authorization must:¶¶

(a) Maintain client records for each client for a minimum of seven years from the date of last service;¶¶

(b) Ensure that client records are legible;¶¶

(c) Keep records in a secure, safe, and retrievable condition; and¶¶

(d) Notify the Board if client records have been destroyed or lost.¶¶

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:¶¶

(a) A formal or informal assessment of the client;¶¶

(b) Counseling goals or objectives; and¶¶

(c) Progress notes of therapy or counseling sessions.¶¶

(3) Licensees, registered associates, and temporary practitioners must disclose to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding.¶¶

(4) Licensees, registered associates, and temporary practitioners do not withhold records under their control that are requested by the client solely because payment has not been received for services.¶¶

(5) The seven-year retention period described in section (1)(a) is calculated from the last date of service rendered by the treatment provider, regardless of whether the record holder is the provider or the custodian of record who is maintaining the record pursuant to OAR 833-75-0080.

Statutory/Other Authority: ORS 675.705 - 675.835

Statutes/Other Implemented: ORS 675.705 - 675.835

AMEND: 833-080-0011

RULE SUMMARY: Updates language to reflect biennial license renewal, including proration of continuing education requirements to facilitate the transition. Removes temporary postponement in continuing education reporting that was adopted in response to the COVID-19 pandemic that is now expired.

CHANGES TO RULE:

833-080-0011

Continuing Education ¶

Licensees must complete approved continuing education and report the hours to the Board ~~on even-numbered years~~ biennially as a condition of license renewal.¶

~~(1) "Reporting period" means the 24-month period between license renewals that occur in even-numbered years. For the even-numbered years of 2020 and 2022, The Board will prorate continuing education requirements of licensees during the transition to biennial renewals conducted pursuant to ORS 675.725.¶~~

~~(1) "Reporting period" means the 24-month period between renewals that occur in 2018 and 2022. There is no reporting to occur in the year 2020. license renewals. ¶~~

~~(2) A "clock hour" for continuing education means one hour spent in a program meeting the requirements for continuing education. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an approved program.¶~~

~~(3) Licensees must complete at least 40 continuing education clock hours within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees must complete at least 80 clock hours of continuing education, reported in 2022.¶~~

~~(4) New licensees:¶~~

~~(a) There is no continuing education reporting required for individuals licensed less than 12 months on their first even-numbered year renewal date. New licensees whose first reporting period would be in 2020 must report at least 40 clock hours of continuing education in 2022.¶~~

~~(b) Individuals licensed between 12 and 23 months on their first even-numbered year renewal date must report at least 20 clock hours of continuing education. New licensees whose first reporting period would be in 2020 must report at least 60 clock hours of continuing education in 2022.¶~~

~~(c) Individuals licensed 24 or more months on their first even-numbered year renewal date must report at least 40 clock hours of continuing education. New licensees whose first reporting period would be in 2020 must report at least 80 clock hours of continuing education in 2022.¶~~

~~(5) There is no continuing education reporting required for licensees on or changing to inactive status.¶~~

~~(6) Licensees must complete the following minimum continuing education requirements in each reporting period:¶~~

~~(a) Six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy. For the reporting period between 2018 and 2022 renewals, licensees must complete at least 12 clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy;¶~~

~~(b) For licensees who supervise registered associates, including all licensees on the Supervisor Registry: three clock hours of supervision-related training. For the reporting period between 2018 and 2022 renewals, licensees who supervise registered associates and licensees on the Supervisor Registry must complete at least six clock hours of supervision-related training;¶~~

~~(c) Four clock hours of training in cultural competency within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees must complete at least eight clock hours of training in cultural competency; or less on their first renewal date.¶~~

~~(5) There is no continuing education reporting required for licensees on or changing to inactive status.¶~~

~~(6) Licensees must complete the following minimum continuing education requirements in each reporting period:¶~~

~~(a) Six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy;¶~~

~~(b) For licensees who supervise registered associates, including all licensees on the Supervisor Registry: three clock hours of supervision-related training¶~~

~~(c) Four clock hours of training in cultural competency; and¶~~

~~(d) Two clock hours of training dedicated to the topic of suicide risk assessment, treatment, and management.~~

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-080-0051

RULE SUMMARY: Updates language to reflect license biennial renewals and the Board's recent implementation of an online licensing system.

CHANGES TO RULE:

833-080-0051

Documentation and Submission of Continuing Education ¶¶

(1) Licensees must certify to the Board, at the time of ~~annual renewal on even-numbered years~~ renewal, that the continuing education requirements were met ~~by providing a summary list of continuing education activities/courses as described in OAR 833-080-0041~~ form and manner prescribed by the Board.¶¶

(2) Licensees must maintain documentation as proof that the licensee has satisfied the continuing professional education requirements for a minimum of two years after the reporting period. If requested by the Board, licensees will make continuing education records available for inspection.¶¶

(3) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee. Documentation must include proof of actual attendance, participation, certification, or completion as well as content, duration, and if relevant, provider as follows:¶¶

(a) For college or university courses: A copy of a transcript showing satisfactory completion of the course;¶¶

(b) For seminars, workshops, conferences, trainings, or home study: Dated certificates (originals or copies) of completion of training;¶¶

(c) Program/activity descriptions, including (but not limited to) written verification of professional services, copies of published works or other proof of publication, letter from president/director of organization in which professional activity was conducted; and¶¶

(d) Signed statement of professional supervision by the individual providing the supervision.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-100-0011

RULE SUMMARY: Adds persons granted a limited permit as subject to the Board's adopted code of ethics.

CHANGES TO RULE:

833-100-0011

General Purpose and Scope ¶¶

(1) The Board adopts the 2014 American Counseling Association (ACA) Code of Ethics as the code of professional conduct.¶¶

(2) The ACA code constitutes the standards against which the required professional conduct of professional counselors and marriage and family therapists is measured. It has as its goal the welfare and protection of the individuals and groups with whom counselors and therapists work. This Code applies to the conduct of all licensees, registered associates, persons granted a limited permit or temporary practice authorization, and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. Violation of the provisions of this Code of Ethics will be considered unprofessional or unethical conduct and is sufficient reason for disciplinary action, including, but not limited to, denial of licensure or authorization.

Statutory/Other Authority: ORS 675.785 - 675.835, ORS 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-100-0012

RULE SUMMARY: Adds persons granted a limited permit as subject to the Board's adopted code of ethics, and language cleanup.

CHANGES TO RULE:

833-100-0012

Preamble ¶

Licenseses, registered associates, persons granted a limited permit or temporary practice authorization, and applicants must:¶

(1) Accept the obligation to conform to higher standards of conduct in the capacity of a counseling professional. The private conduct of a licensee/practitioner is a personal matter to the degree that it does not compromise the fulfillment of professional responsibilities.¶

(2) Respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession.¶

(3) Correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the person's qualifications, services, or products. Advertisements must not be false, fraudulent, or misleading to the public. Testimonials from current clients are not solicited for advertising or other purposes due to the client's vulnerability to undue influence.¶

(4) Not engage in any conduct likely to deceive or defraud the public or the Board, or participate in, condone, or become associated with dishonesty, fraud, deceit, or misrepresentation.

Statutory/Other Authority: ORS 675.785 - 675.835, ORS 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-100-0021

RULE SUMMARY: Adds persons granted a limited permit as subject to the Board's adopted code of ethics and mandatory reporting obligations, and language cleanup.

CHANGES TO RULE:

833-100-0021

Responsibility ¶¶

Licensees, registered associates, persons granted a limited permit or temporary practice authorization, and applicants must:¶¶

(1) Abide by the Code of Ethics and all applicable statutes and administrative rules regulating the practice of counseling or therapy or any other applicable laws, including, but not limited to, the reporting of abuse of children or vulnerable adults.¶¶

(2) Report to the Board within 30 days any civil lawsuit brought against the ~~licensee, registered associate, temporary practitioner, or applicant~~person that relates in any way to the licensee, registered associate, temporary practitioner, or applicant's professional conduct and notifies the Board of any disciplinary action or loss of a mental health professional or state license, certification, or registration.¶¶

(3) File a complaint with the Board within 10 days when the ~~licensee, registered associate, temporary practitioner, or applicant~~person has reason to believe that another licensee, registered associate, permitted or temporary practitioner, or applicant is or has been engaged in conduct that violates law or rules adopted by the Board. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other counselor or therapist. In that case, the client-therapist confidentiality supersedes the ~~licensee or registered associate~~person's requirement to report the other therapist. However, this does not relieve a ~~licensee or registered associate~~person from the duty to file any reports required by law concerning abuse of children or vulnerable adults.¶¶

(4) Not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intended to harm a counselor/therapist rather than to protect clients or the public.

Statutory/Other Authority: ORS 675.785 - 675.835, ORS 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-110-0031

RULE SUMMARY: Adds persons granted a limited permit to requirement to be truthful to the Board.

CHANGES TO RULE:

833-110-0031

Statements to the Board ¶¶

(1) Licensees, registered associates, temporary practitioners, and applicants must not make omissions or false, misleading or deceptive statements on any correspondence or form submitted to the Board.¶¶

(2) Licensure, limited permit, or temporary practice authorization applicants and renewing licensees and registered associates must respond completely and truthfully to all of the Board's character and fitness questions. Failure to disclose an arrest or conviction is a violation of ORS 675.825(1)(a) and may result in disciplinary action by the Board.

Statutory/Other Authority: ORS 675.705 - 675.835

Statutes/Other Implemented: ORS 675.745, ORS 675.785, ORS 675.825