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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 877
BOARD OF LICENSED SOCIAL WORKERS

FILED
01/20/2022 10:17 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments to rules regarding social work licensing - Board Duties and Procedures

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 hearing

NEED FOR THE RULE(S)

Proposed amendments will require notice be published on board website; clarify quorum requirement; include board officers in review of member responsibilities; update to model record management policies; clarify existing language; update to model public record policies, including charges for materials.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

No documents

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

The proposed amendments will not have any affect on racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

The proposed amendments will not have any 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 were involved in the development of the draft rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

877-010-0000, 877-010-0005, 877-010-0010, 877-010-0025, 877-010-0030, 877-010-0040, 877-010-0045

AMEND: 877-010-0000

RULE SUMMARY: The proposed amendment specifies that the Board will post notice of meetings on it's website.

CHANGES TO RULE:

877-010-0000

Board Meetings ¶

The State Board of Licensed Social Workers shall meet a least six times a year to accomplish its work. The Board shall meet at a time and place specified by the Board and at such other times and places as specified on call of the Chair, or a majority of Board members, or by the Governor. Notice of time and place of regularly scheduled, special, and emergency meetings will be posted on the Board's website and shall be given by notification to the Associated Press, United Press International and other parties who have expressed an interest in the Board's activities.

Statutory/Other Authority: ORS 675.510 - 675.600

Statutes/Other Implemented: ORS ~~675.5910~~ - 675.600

AMEND: 877-010-0005

RULE SUMMARY: The proposed amendment would clarify that the quorum for the board is a majority of the seven positions, or four members.

CHANGES TO RULE:

877-010-0005

Quorum Required ¶¶

A majority of the Board constitutes a quorum for the transaction of business. ~~A majority of the quorum of the Board must concur in any official business transacted by the Board at the meeting.~~

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.900~~

Statutes/Other Implemented: ORS ~~675.5910~~ - 675.600

AMEND: 877-010-0010

RULE SUMMARY: The proposed amendment would specify that the Board review the responsibilities of members and officers at the first meeting of the fiscal year.

CHANGES TO RULE:

877-010-0010

Internal Organization ¶

At the first meeting beginning each fiscal year, organizational matters, including review of responsibilities assigned to Board members and officers, shall be the first order of business. The terms of the previous Chair and Vice-Chair and all other positions of assigned responsibility shall expire at this time. However, a Chair or Vice-Chair or any assigned responsibility can be changed or replaced by a majority vote of the members at a meeting if the proposal has been placed on the agenda and sent to the members two weeks in advance of the meeting, or by unanimous consent of members at the meeting.

Statutory/Other Authority: ORS 675.510 - 675.600

Statutes/Other Implemented: ORS ~~675.5910~~ - 675.600

AMEND: 877-010-0025

RULE SUMMARY: The proposed amendment specifies that the Board will maintain records according to the requirements set by the Secretary of State, Archives Division for Boards and Commissions.

CHANGES TO RULE:

877-010-0025

Board ~~File~~Records ¶

~~All Board files shall be retained in the Board's official office. The Board Executive Director shall maintain a master record of each file checked out of the Board office by Board members. The Board Executive Director shall be notified whenever a Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy. Board files shall be retained for a period of seven years after the lapse of a license; records will be maintained pursuant to the requirements established by the Oregon Secretary of State, Archives Division, Board and Commission Records, OAR 166-350-0005 and 166-350-0010.~~

Statutory/Other Authority: ORS 675.510 - 675.600

Statutes/Other Implemented: ORS 675.5910 - 675.600

AMEND: 877-010-0030

RULE SUMMARY: The proposed amendment removes language regarding including the process of including written reports to the minutes for a meeting.

CHANGES TO RULE:

877-010-0030

Minutes and Agendas ¶¶

(1) The minutes of a meeting shall be distributed promptly following the meeting to all Board members.¶¶

(2) The Board Executive Director shall prepare a draft agenda with review by the Chair before distribution to Board members and the public. The agenda items shall include reports by the Board Executive Director, the Chair, and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Chair, the Board Executive Director may make additional scheduling at the direct request of Board members. The Board may, at its discretion, revise the agenda or limit it to a particular topic under special circumstances. ~~Reports not discussed may be added to the typed minutes of a meeting.~~

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.900~~

Statutes/Other Implemented: ORS 675.510 - 675.600

AMEND: 877-010-0040

RULE SUMMARY: The proposed amendment would clarify that certain public information on licensees will be made available to the public on the board's website.

CHANGES TO RULE:

877-010-0040

Publications ¶

The Board ~~sh~~will make available, upon request and payment public information of ~~n~~ a ~~ll~~ licensees, a list of the names and addresses of all persons who have been registered, certified, or licensed under ORS 675.510 to 675.600 including name, license type, license status, and if appropriate, disciplinary status, available on the BLSW website.

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.900~~

Statutes/Other Implemented: ORS 675.510 - 675.600, ~~675.900~~

AMEND: 877-010-0045

RULE SUMMARY: The proposed amendments aligns board public record policy and procedure with state public record requirements.

CHANGES TO RULE:

877-010-0045

Charges for Materials and Services ¶¶

~~(1) All requests for copies of public records pertaining to the State Board of Licensed Social Workers available at the Board office shall be submitted in writing.¶¶~~

~~(2) Charges for copies, documents, and services shall be as follows: Many public records are available on Board's website without charge; convenience copies of these records are available upon request for a set charge. Pursuant to ORS 192.324, public records fees reflect no more than the actual cost of producing and processing the public records request.¶¶~~

~~(a) For machine copies requested by other state agencies and by the general public, the accepted government agency rate Record Search Charges: If a request for records can be fulfilled using less than 30 minutes of staff time, there will be no charge for the service.¶¶~~

~~(a) Clerical Staff - \$25 per hour.¶¶~~

~~(b) Administrative and Managerial Staff - \$40 per copy hour.¶¶~~

~~(b) For documents developed by the Board, an amount fixed by the Board Executive Director not exceeding the actual preparation and materials cost per copy Professional Staff - \$75 per hour.¶¶~~

~~(2) Data Order Charges:¶¶~~

~~(a) Standard Licensee Data Order - \$25 each.¶¶~~

~~(b) Custom Licensee Data Order - \$25 + \$40.00 per hour Administrative time.¶¶~~

~~(c) For both machine copies and documents, an additional amount set at the discretion of the Board Executive Director All Board fees are non-refundable and non-transferable.¶¶~~

~~(4) The Board may waive or reduce fees for public records for staff time required for search, handling, and copying.¶¶~~

~~(3) Charges for the general public may be payable in forms acceptable to the Board. Charges are upon written request if the Board determines that making the record available primarily benefits the general public.¶¶~~

~~(5) The Board charges fees reasonably calculated to cover the costs incurred by the Board to state agencies may be payable in cash unless billing to such agencies is authorized by the Board Executive Director locate, review, compile, make available for inspection, prepare copies, and deliver the response and public records to the requestor.~~

Statutory/Other Authority: ORS 675.510 - 675.600, ~~675.900~~ ORS 192.324

Statutes/Other Implemented: ORS 675.5910 - 675.600