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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 2:42 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments to rules regarding social work licensing - Continuing Education Requirements and Reporting

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
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3218 Pringle Rd SE Suite 240
Salem, OR 97302

Filed By:
Randy Harnisch
Rules Coordinator

HEARING(S)

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

DATE: 02/25/2022

TIME: 1:00 PM

OFFICER: Randy Harnisch

ADDRESS: Morrow Crane Building

3218 Pringle Rd SE Suite 240

Salem, OR 97302

SPECIAL INSTRUCTIONS:

Call 503 508 0636 for instructions on participating in the hearing

NEED FOR THE RULE(S)

Proposed amendments will include a reference to Division 025; clarify language; remove "book, journal article"; allow agency sponsored CE for all license types; allow CE for practicum supervisors; allow CE carry-over for all license types; reduce ethics requirement for reduced requirements, LMSW and RBSW to reflect total CE requirement; require CE in cultural competence; delete odd-number/even-number license reference for CE reporting; specify that CE must be completed before the end of the current renewal period to meet CE requirements for that renewal period.

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 addition of continuing education requirements for cultural competence will enhance the ability of all Oregon licensed social workers to work with various cultural and ethnic groups.

FISCAL AND ECONOMIC IMPACT:

The 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 social work 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:

877-025-0001, 877-025-0006, 877-025-0011, 877-025-0021

AMEND: 877-025-0001

RULE SUMMARY: The proposed amendments specify that continuing education requirements are located in Division 025 of this chapter.

CHANGES TO RULE:

877-025-0001

General **¶**

A regulated social worker must complete and report continuing education according to the requirements ~~in this division of rules~~ of OAR Chapter 877, Division 025. A certified social work associate is not required to complete or report continuing education.

Statutory/Other Authority: ORS 675.510(3), ~~675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)~~

Statutes/Other Implemented: ORS 675.510 - 675.600

AMEND: 877-025-0006

RULE SUMMARY: Proposed amendments will clarify language; remove "book, journal article"; allow employer sponsored CE for all license types; allow CE for practicum supervisors.

CHANGES TO RULE:

877-025-0006

Types of Continuing Education ¶¶

To meet the requirements of ~~this division of rules~~ OAR 877-025-0011, continuing education must be one of the following:¶¶

(1) A conference, seminar, ~~book, journal article~~ or workshop that:¶¶

(a) Addresses subjects related to the regulated social worker's work practice;¶¶

(b) Is attended ~~(or read as applicable)~~ by the regulated social worker in person, or on-line or through a web cast; and¶¶

(c) Is provided or approved by a credentialing body recognized and approved by the board. The board ~~recognizes and approv~~ considers the following criteria and practices, a credentialing body based on the following practices of themong others, in determining whether to recognize and approve a credentialing body:¶¶

(A) ~~The body uses~~ Use of an established process for determining which training to provide or approve.;¶¶

(B) ~~The body uses~~ Use of an established process for determining who will present the training.;¶¶

(C) ~~The body provides, with respect to the training,~~ Provision of written materials that demonstrate the relevance of the training to the field of ~~clinical social work~~;¶¶

(D) ~~The body e~~ Establishesment of an appropriate number of continuing education credits for the training.;¶¶

(E) ~~The body verifies~~ Verification of the credentials of the presenters of the training.;¶¶

(F) ~~The body uses~~ Use of an established system for the evaluation of presenters.¶¶

~~(G) The body provides; and~~¶¶

(G) Provision of a certificate of completion to those who attend, based on actual attendance.¶¶

(2) A conference, seminar, ~~book, journal article, or workshop that:~~¶¶

~~(a) Meets the following requirements:~~¶¶

~~(A) Is related to the field of clinical social work or, in the case of a baccalaureate social worker or master's social worker, the field of social work;~~¶¶

~~(B) Addresses subjects related to the regulated social worker's work practice;~~¶¶

~~(C) Is not provided or approved by a credentialing body recognized and approved by the board; and~~¶¶

~~(D) Is attended (or read as applicable) by the regulated social worker in person, on-line, or through a web cast.~~¶¶

~~(b) Is or workshop described in subsection (1) that is not provided or approved by a credentialing body recognized and approved by the board may be approved by the Board based on the regulated social worker's written application, that:~~¶¶

~~(Aa)~~ The application must contains the following information:¶¶

~~(i)~~ Name or description of the event.¶¶

~~(ii)~~ Date of the event.¶¶

~~(iii)~~ Band summary of the event including a brief description of the training sufficient to show that the training how the training applies to the applicant's practice and that it meets the requirements of section (21)(a) of this rule;¶¶

~~(iv)~~ Date of the event;¶¶

~~(C)~~ Name and credentials of each presenter;¶¶

~~(v)~~ Number of continuing education units requested.¶¶

~~(vi); and~~¶¶

~~(E)~~ Copy of the certificate of completion.¶¶

~~(B)~~ The application must be received by the board not later than the time of the submission of the report required by OAR 877-025-0021 and not later than 45 days prior to east 60 days prior to the renewal deadline (the last day of the birth month of the regulated social worker).¶¶

(c) No more than 10 hours of continuing education described in OAR 877-025-0006(2) may be credited in a report.¶¶

(3) ~~For Registered Baccalaureate Social Workers and Licensed Master's Social Workers,~~ An in-service, agency-sponsored program that otherwise meets the requirements of subsection (2) of this rule section. CE credit ~~ferom~~ such a qualifying in-service can be used for up to half the applicable CE hours required for renewal. ¶¶

(4) A course related to social work completed at an accredited college or university.¶¶

~~(45)~~ A training video or audio recording approved by a credentialing body recognized and approved by the board using the standards provided in section (1)(c) of this rule. Successful completion is demonstrated by a document of completion awarded to the regulated social worker by the credentialing body.¶¶

(56) Participation in a study group, subject to the following limitations:¶

(a) The group must contain a minimum of five and a maximum of ten— mental health professionals who meet for a minimum of an hour on a scheduled basis to discuss topics directly related to the field of social work;¶

(b) The focus of the group's meeting must be a presentation or discussion of a book or article published by a professional body;¶

(c) The topics of the group's discussion must be directly related to established mental health care and relevant to good practice;¶

(d) A maximum of two hours may be credited for a single group meeting.¶

(e) Credit for participation in a study group must be approved by the board. To apply for approval, a regulated social worker must submit the names of the group members and discussion topics to the board.¶

(f) For purposes of this section, mental health professionals is defined as those who:¶

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

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

(C) Are employed by or contracting with an entity that is certified or licensed by the State of Oregon under ORS 430.610 to 430.695 to provide mental health treatment or addiction services, and authorized to use the designation of Qualified Mental Health Professional or Qualified Mental Health Associate' under the rules of the State of Oregon. Continuing education credit for participation in a study group is limited to no more than one-half of the total number of hours required per renewal period.¶

(67) Development and presentation of a course offered at a conference, workshop, or seminar that would be eligible for credit under section (1) or (2) of this rule. is limited to the number of hours earned by participants in the course.¶

(78) A language course taken and completed with a passing grade at an accredited college, community college or university for the purpose of improving the regulated social worker's capacity to serve clients with increased competency. No more than 25% of the continuing education credited in a report can originate from language credit as provided for in this subsection.¶

(9) Supervision of social work practicum, internship or other field placement students enrolled in a social work education program accredited by or considered in candidacy status by a credentialing body recognized by the board, limited to no more than 6 hours per academic year. CE hours may be prorated based on completion of a partial academic year.

Statutory/Other Authority: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), - 675.600(1)(a)

Statutes/Other Implemented: ORS 675.510 - 675.600

AMEND: 877-025-0011

RULE SUMMARY: Proposed amendments will allow CE carry-over for all license types; reduce ethics requirement for reduced requirements and LMSW and RBSW to reflect total CE requirement for each license type; require CE in cultural competence.

CHANGES TO RULE:

877-025-0011

Required Hours of Continued Education ¶

~~(1) Generally.¶~~

~~(a)~~ A regulated social worker is required to report continuing education for all periods during which the person's registration or license is active except for the period covered by the initial certificate of registration or license, unless a waiver is granted under section (2) of this rule. An initial issuance is the first issuance of the board of a certificate of registration or license to the regulated social worker.¶

~~(b2)~~ Following the first renewal of a certificate of registration or license, except when the regulated social worker is in inactive status, the regulated social worker must complete continuing education in each reporting period at the times described in OAR 877-025-0021. The holder of an inactive certificate of registration or license is not required to submit the biennial report.¶

~~(c3)~~ A report covering a two-year period must include:¶

~~(Aa)~~ For a registered baccalaureate social worker, a minimum of 20 hours of creditable continuing education, including a minimum of ~~63~~ 3 hours of ethics and 3 hours in cultural competence.¶

~~(Bb)~~ For a master's social worker, a minimum of 30 hours of creditable continuing education, including a minimum of ~~64~~ 4 hours of ethics and 4 hours in cultural competence.¶

~~(Cc)~~ For a licensed clinical social worker, a minimum of 40 hours of creditable continuing education, including a minimum of 6 hours of ethics. ~~A licensed clinical social worker who reports more than 40 hours for a two-year reporting period or 20 and 6 hours in cultural competence.~~¶

(4) A regulated social worker who reports more than the total hours required for a one-two-year reporting period may carry over the excess hours to the next required report. No more than 10 hours may be carried over to the next reporting period.¶

~~(d5)~~ In a report that covers a shorter period than two years, as may happen in the case of the first report by a new regulated social worker or following the reactivation of a registration or license, the number of hours required by sub-section (c) of this section is pro-rated.¶

~~(2) Waiver of requirement.¶~~

~~(a6)~~ Upon timely written request of a regulated social worker, made as soon as the regulated social worker is aware of the possible need for a waiver, the board may reduce the number of hours required by section (1) of this rule in the event the regulated social worker is unable, due to circumstances beyond the reasonable control of the ~~licensee~~ regulated social worker, to complete the number of hours of continued education required by this division of rules.¶

~~(b7)~~ A reduction authorized by the board would normally reflect the regulated social worker's ability to attend training during the time not affected by the adverse circumstances leading to the request. For instance, a regulated social worker unaffected by the adverse circumstance during the first year of a two-year reporting period would be expected to obtain 20 hours of credit.¶

~~(c8)~~ Examples of circumstances that may justify a waiver are:¶

~~(Aa)~~ A circumstance beyond the reasonable control of the regulated social worker makes it impracticable to attend training for an extended time.¶

~~(Bb)~~ The health of the regulated social worker or of another person makes it impracticable to attend training for an extended time.¶

(9) Continuing education in cultural competence must meet requirements established by the Oregon Health Authority under the provisions of ORS 413.450, 676.850 and OAR 943-090-0010(3).

Statutory/Other Authority: ~~ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)~~

Statutes/Other Implemented: ORS 675.510 - 675.600

AMEND: 877-025-0021

RULE SUMMARY: Proposed amendments will specify that CE be completed before the end of the licensee's renewal month to be considered for current renewal; delete odd-number/even-number license reference for CE reporting

CHANGES TO RULE:

877-025-0021

Reporting Requirements ¶¶

(1) Regulated social workers must report the completion of continuing education every two years in a manner prescribed by the board. The report must be made at the time the regulated social worker submits an application to renew a certificate or license ~~except that in~~ and must be submitted before the ease~~end of a~~ the ~~licensed clinical social worker.~~ ¶¶

~~(a) A licensee whose license number ends with an odd number must submit the report with an application for renewal effective in an odd-numbered year.~~ ¶¶

~~(b) A licensee whose license number ends with an even number must submit the report with an application for renewal effective in an even-numbered year.~~ e's birthday renewal month. Continuing education completed after the end of the licensee's birthday renewal month may not be accepted to meet the requirements of the prior renewal period, but may be accepted to meet the CE requirements for the new renewal period. ¶¶

(2) The report is part of the renewal application and must contain information sufficient to demonstrate that the regulated social worker has met the requirements in this division of rules. A regulated social worker who fails to meet the requirements is subject to a denial of the application for renewal or to sanction by the board unless the failure was due to circumstances beyond the reasonable control of the regulated social worker and the regulated social worker agrees to a plan to compensate for the deficiency. ¶¶

(3) The Board conducts routine, random audits of compliance with continuing education requirements. A regulated social worker must retain completion certificates, program information, and other documents needed to demonstrate compliance with the requirements of this division of rules for a minimum of 24 months after reporting completion of continuing education requirements to the board and must provide them to the Board upon request.

Statutory/Other Authority: ~~ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)~~

Statutes/Other Implemented: ORS 675.510 - 675.600