

**OREGON BOARD OF LICENSED
PROFESSIONAL COUNSELORS & THERAPISTS**

Proposed Administrative Rule Changes For January 1, 2010

The proposed changes attempt to accomplish the following:

- 1) Simplify and clarify the language;
- 2) Change the structure so rules easier to find;
- 3) Establish rules for changes to laws made during the 2009 legislative session;
- 4) Establish in rule policies adopted by the Board.

The following provides a summary of some of the proposed changes within each Division of Administrative Rules Chapter 833.

DIVISION 001 - PROCEDURES

Corrects dates for notifying legislators of changes to administrative rules; establishes time limit for responding to Board issuance of notice of discipline and requesting a hearing.

DIVISION 010 - DEFINITIONS

Adds definitions for “accredited program”, “board approved program”, “CACREP”, “COAMFTE”, “CORE”, “direct client contact hours”, “distance services”, “electronic communication”, “intern registration plan”, “supervision”, “hour equivalents”.
Eliminates definitions of “application of counseling theories and techniques” and “identification and treatment”.

DIVISION 020 – APPLICATION FOR LICENSE

Adds: criminal background information as part of application; indicates requirements for licensure by method used – direct, reciprocity, intern, reapplication, re-licensure; allowance of grace period for renewing license.
Revises: Rearranges topics based on application method; clarifies the requirement for direct method applicants to have 480 hours supervised experience within 5 years of submitting application.
Eliminates: Moves language about requirements for LPC, LMFT, and interns to other divisions.

DIVISION 025 – GRADUATE DEGREE STANDARDS & CONTINUING EDUCATION

Moved rules for graduate standards to Division 070 and continuing education to Division 080.

DIVISION 030 – LPC LICENSURE REQUIREMENTS

Adds language allowing direct client contact hours by electronic communication:

Revises: Distinguishes experience requirements based on application method; allows up to 75% of individual supervision to be conducted by electronic communication; changes supervisor qualifications based on application method

Eliminates: the language that exempts applicants via reciprocity from taking competency exam.

DIVISION 040 – LMFT LICENSURE REQUIREMENTS

Adds language allowing direct client contact hours by electronic communication.:

Revises: Distinguishes experience requirements based on application method; allows up to 75% of individual supervision to be conducted by electronic communication; changes supervisor qualifications based on application method

Eliminates: the language that exempts applicants via reciprocity from taking competency exam.

DIVISION 050 – REGISTERED INTERN REQUIREMENTS

Adds Requirements for supervisors of interns to report to the board any concerns they have about intern performance and recommend a plan to address the concerns; establishes Board procedures and actions to address the concerns.

Revises requirements for in-person and telephone supervision to allow up to 75% of supervision to occur through electronic communication; revises limits on number of supervisors during internship; clarifies intern reporting requirements and consequences of late reports; changes advance notice of changes to intern plan and placing internship on hold.

Eliminates – the need to designate part time or full time intern plan;

DIVISION 055 – IMPAIRED PROFESSIONAL PROGRAM

No changes at this time. HB 2345 passed during the 2009 legislative session eliminated the Board's authority for an impaired program effective July 1, 2010, so this rule division will go away at that time.

DIVISION 060 - GRADUATE DEGREE STANDARDS

Adds: requirement for diagnosis training as indicated in HB 2506

Revises: establishes a two-tier system of requirements based on when graduate degree awarded; clarifies "comparable" standards, "majority" standards, and additional coursework needed to meet licensing education requirements.

DIVISION 070 - FEES

Revises: Increases license application and license and intern renewal fees based on whether criminal background check is needed; availability and cost of public records

DIVISION 080 - CONTINUING EDUCATION

Revises: Separated continuing education rules from graduate degree standards rules. simplified explanation of number of CEUs needed based on how long one has been licensed; consolidated content areas; clarified continuing education waiver process; moved continuing education penalties to this rule division.

DIVISION 090 - DISTANCE COUNSELING

Adds: New rules and new division. Establishes rules about informed consent, secure web sites and communication; contingency plans; due diligence in confirming identify of clients; limitations, emergency procedures.

DIVISION 100 – CODE OF ETHICS

Adds: requirements from HB 2058 and HB 2059, passed during the 2009 Legislative session -- requires LPCs and LMFTs to report unethical behavior of licensees of other boards to those boards; requires LPCs and LMFTs to report to the board within 10 days of being arrested, convicted of a crime (felony or misdemeanor).

DIVISION 110 – COMPLIANCE

Combines language from other rule divisions into one; increases civil penalty maximum from \$1,000 to \$2,500 per rule/law violation.

DIVISION 120 - BACKGROUND CHECKS

Adds new division and new requirements for criminal background check, including submission of fingerprints, on all new licensure applicants and for current licensees every 5 years; applicant/licensee to pay cost of background check.

