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OREGON ADMINISTRATIVE RULES

CHAPTER 877

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DIVISION 1
PROCEDURAL RULES

877-001-0005
Model Rules of Procedure

The board adopts the model rules applicable to rulemaking, OAR 137-001-0005 to 137-001-0100, effective on January 1, 2008.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Board of Licensed Social Workers.]

Stat. Auth: ORS 183
Stats. Implemented: ORS 183
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09

877-001-0006
Definitions

(1) "Authorization to practice regulated social work" is defined in ORS 675.510 as a certificate or license issued by the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

(2) "Regulated social worker" is defined in ORS 675.510 as a baccalaureate social worker registered under 675.532; a master's social worker licensed under 675.533; a clinical social work associate certified under 675.537; or a clinical social worker licensed under 675.530.

(3) The term "board" in OAR chapter 877 means the State Board of Licensed Social Workers established by ORS 675.590, unless otherwise specified.

(4) For the purpose of interpreting ORS 675.510(2), "professional practice" is characterized by all of the following:

(a) A client who receives professional services.

(b) Mental health services provided by a person who has or, by offering the services, purports to have specialized training in or knowledge of applying principles and methods listed in or suggested by ORS 675.510(2)(a) to (e).

(c) The organized providing of services in coordination with a volunteer organization or in a setting through which the provider receives remuneration for the services.

(5) For the purpose of interpreting ORS 675.510(2)(f):

(a) "Supervising clinical social work practice" means providing evaluation and direction of the clinical social work practice of the person supervised.

(b) "Administering clinical social work practice" means providing leadership, oversight, or direction to a practitioner who engages in the practice of clinical social work that substantially affects the use by the practitioner of principles and methods listed in or suggested by ORS 675.510(2)(a) to (e).

(c) "Teaching clinical social work practice" means providing instruction to one or more students in an academic or instructional setting by using one of the principles and methods listed in or suggested by ORS 675.510(2)(a) to (e) but does not include the use of such teaching tools as role plays, process recordings, case discussions, or video or audio tapes of client interactions that do not involve providing mental

health services to a live client in the class room setting.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-001-0009
Name, Address and Employer of Record

(1) Name of Record:

(a) A regulated social worker and applicant for licensure or certification as a regulated social worker shall establish and keep his/her current legal name on file with the board at all times.

(b) The name currently on file with the board shall be considered the name of record.

(c) At the time of a name change, the regulated social worker shall send a signed, written notification of change of name to the board, accompanied by legal proof of that name change. Legal proof shall be in the form of official records such as a birth certificate, marriage certificate or a court order/decree.

(d) Upon receipt of written notification and legal proof of name change, the board will change its records to reflect the regulated social worker's name change.

(e) The regulated social worker must report any name change to the board within 30 days of the effective date of the name change.

(f) The name of record shall be the same name used for the regulated practice of social work.

(2) Address of Record:

(a) The regulated social worker and applicant for licensure or certification as a regulated social worker shall designate and provide an address of record to the board and keep it current with the board at all times.

(b) The regulated social worker and applicant for licensure or certification as a regulated social worker may designate, at his or her discretion, a current employment address, or home address, or P.O. Box address as an address of record with the board.

(c) Upon receipt of notification from the regulated social worker of a change of address of record, the board will change its records to reflect the regulated social worker's current address of record.

(d) The board will send all official documents including license or certification renewal notices and Notices of Proposed Disciplinary Action to the regulated social worker 's address of record with the board. The board may elect to use electronic means of communication for all other forms communication, including but not limited to rulemaking notices and distribution of news from the board

(e) A Notice of Proposed Disciplinary Action sent to the regulated social worker or applicant for licensure or certification as a regulated social worker at the address of record by certified mail or registered mail, is sufficient notice even if the regulated social worker or applicant for licensure or certification as a regulated social worker fails to or refuses to respond to the postal service "return receipt" and never receives the Notice. Such mailing permits the board to proceed with disciplinary action in the absence of a request for a hearing.

(f) A regulated social worker and applicant for licensure or certification as a regulated social worker must report a change in his/her address of record to the board within 30 days of the effective date of the change.

(3) Employer of Record: Any regulated social worker actively practicing social work shall report his/her current place of employment to the board. Each change in employer and employer's mailing address must be submitted to the board no later than 30 days after the change.

Stat. Auth: ORS 675.510 - 675.600 & OAR 137-001-0005 - 137-001-0100
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-001-0015
Required Documentation

The board will accept as evidence that a person meets a requirement to hold an academic degree only:

(1) A certified transcript from the institution awarding the degree; or

(2) A copy of a transcript from the awarding institution or other written verification provided by the social

work registry maintained by the Association of Social Work Boards.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009) Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-001-0020
Fees for Certification and Licensing

Following are the fees due, without pro ration, as a condition of obtaining and retaining a certificate or license under this division of rules:

(1) The application fee for an initial certificate or license is:

(a) Registered Baccalaureate Social Worker — $50;

(b) Licensed Master's Social Worker — $50;

(c) Clinical Social Work Associate — $150;

(d) Licensed Clinical Social Worker — $150.

(2) The fee for initial issuance of a certificate or license is:

(a) Registered Baccalaureate Social Worker — $50;

(b) Licensed Master's Social Worker — $100;

(c) Clinical Social Work Associate — $60;

(d) Licensed Clinical Social Worker — $260.

(3) The fee for the renewal of a certificate or license is:

(a) Registered Baccalaureate Social Worker:

(A) Active — $100;

(B) Inactive — $40.

(b) Licensed Master's Social Worker:

(A) Active — $200;

(B) Inactive — $80.

(c) Clinical Social Work Associate — $60;

(d) Licensed Clinical Social Worker:

(A) Active — $260;

(B) Inactive — $96.

(4) The late fee for a request for renewal of a certificate or license received by the board after the renewal date of the certificate or license is:

(a) Registered Baccalaureate Social Worker — $50;

(b) Licensed Master's Social Worker — $50;

(c) Clinical Social Work Associate — $50;

(d) Licensed Clinical Social Worker on active status — $200;

(e) Licensed Clinical Social Workers on inactive status or Licensed Clinical Social Workers renewing a license under the provisions of OAR 877-020-0060 — $50.

(5) The fees in 877-001-0020(1)(b) and (2)(b) are waived for any Clinical Social Work Associate who applies for Licensed Master's Social Worker licensure after having completed 75 hours of supervision required in 877-020-0010(3)(b)(A).

(6) The Board may waive any fees in sections (1) through (4) of this rule, upon written request, for any active duty military personnel deployed for 90 days or more outside the State of Oregon.

877-001-0025
Renewals of Authorization to Practice Regulated Social Work

(1) Renewal of authorizations to practice regulated social work: The holder of an authorization to practice regulated social work may renew the authorization by submitting the following to the board:

(a) A completed application for renewal that shows that the holder of the authorization has met the requirements for continuing education in division 25 of this chapter of rules.

(b) The fee required by OAR 877-001-0020.

(2) An authorization lapses at the conclusion of the 30th day following the renewal date unless the holder has met the requirements of section (1) of this rule.

(3) The renewal date for an authorization is the final day of the birth month of the holder in the year the authorization expires. An authorization expires as follows:

(a) A certificate of clinical social work associate expires each year.

(b) A master's social worker license and a certificate of baccalaureate social worker registration and a license as a clinical social worker expire in the month following the first birth month that occurs a minimum of 18 months following the initial issuance and every second year thereafter.

(4) An authorization expires when it lapses under section (2) of this rule.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-001-0028
Transition from one year to two year licensure for Licensed Clinical Social Workers

(1) The fee for active licensure renewal as a Licensed Clinical Social Worker of $260 provided for in OAR 877-001-0020(3)(d)(A) shall be reduced by half, to $130, for even-numbered licenses with renewal dates between January 1, 2013 and December 31, 2013, and the renewal term provided for in 877-001-0025(3)(b) shall be reduced by half for the licenses renewed under the provision of this subsection.

(2) The fee for active licensure renewal as a Licensed Clinical Social Worker under the reduced requirements of OAR 877-020-0060 of $130 provided for in 877-001-0020(3)(d)(A) shall be reduced by half, to $65, for even-numbered licenses with renewal dates between January 1, 2013 and December 31, 2013, and the renewal term provided for in 877-001-0025(3)(b) shall be reduced by half for the licenses renewed under the provision of this subsection.

Stat. Auth: ORS 675.510 - 675.600 & OAR 137-001-0005 - 137-001-0100
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

DIVISION 5

AUTHORIZATION FOR GRADUATE STUDENTS TO PRACTICE CLINICAL SOCIAL WORK

877-005-0101

Authorization for Graduate Students to Practice Clinical Social Work

(1) A student in a social work graduate degree program at a college or university accredited by a credentialing body recognized by the board under OAR 877-020-0009 may practice clinical social work under the direction of the college or university.

(2) An authorization to practice clinical social work under section (1) of this rule expires upon the completion of required field instruction for the student.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 10

BOARD DUTIES AND PROCEDURES

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 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.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 1-2010, f. & cert. ef. 1-15-10

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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1994, f. & cert. ef. 2-17-94; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-010-0010
Internal Organization

At the first meeting beginning each fiscal year, organizational matters, including review of responsibilities assigned to Board members, 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.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-010-0015
Chair's Responsibilities

(1) The Board Chair shall be responsible to carry out the duties of the Chair, including but not limited to the following:

(a) Develop a draft agenda for each board meeting.

(b) Act as Chair during the meetings of the Board.

(c) Call Board meetings as necessary.

(d) Appoint Board members to Board committees.

(e) Supervise the Executive Director and act as Chair of the Personnel Committee.

(f) Conduct business with the Governor's Office and the Department of Administrative Services as necessary.

(g) Execute documents as necessary to conduct Board business.

(h) Carry out administrative actions which meet applicable Board rules and guidelines in the interim between Board meetings, which shall be presented to the full Board for ratification or approval on the Consent Agenda of the Board meeting immediately following the Chair administrative action. For purposes of this section of rules, administrative actions by the Board Chair include, but are not limited to:

(A) Approval of CSWA supervision plans, plan changes and plan completions.

(B) Approval of applications for licensure or certification.

(C) Approval of license or certification re-activations.

(D) Approval of extensions of time for investigations under ORS 676.165(4).

(i) The Chair is further authorized to take action in-between Board meetings on matters that require policy decisions by the Board, subject to ratification by the Board at the Board's next meeting immediately following the Chair's action. Any such actions shall be noted on the agenda for the next meeting of the Board and shall become the first order of new business at that next meeting.

(2) The Vice-Chair shall act in lieu of the Chair when the Chair is unable to perform the required duties. If the Chair is aware in advance of any time periods where the Chair is unable to perform the duties of Chair, the Chair shall inform the Vice Chair and the Board's Executive Director in writing.

Stat. Auth.: ORS 675
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-010-0020
Board Communications

All correspondence in support of Board activities shall be prepared by the Board Executive Director or designee. When deemed necessary or appropriate, the Executive Director will review correspondence with the Board Chair or the Board's legal counsel. The full Board should approve in advance any correspondence which may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the Chair may be required to take immediate action which shall be reviewed at the next meeting of the Board.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-010-0025
Board Files

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.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-010-0040
Publications

The Board shall make available, upon request and payment of a fee, a list of the names and addresses of all persons who have been registered, certified, or licensed under ORS 675.510 to 675.600.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.510 - 675.600 & 675.900
Hist.: BSCW 1-1982, f. & ef. 1-29-82; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; Renumbered from 877-020-0040; BCSW 1-1997, f. & cert. ef. 3-25-97; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

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:

(a) For machine copies requested by other state agencies and by the general public, the accepted government agency rate per copy.

(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.

(c) For both machine copies and documents, an additional amount set at the discretion of the Board Executive Director 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 to state agencies may be payable in cash unless billing to such agencies is authorized by the Board Executive Director.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.590
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 15

REGISTRATION AS A BACCALAUREATE SOCIAL WORKER AND LICENSURE AS A MASTER'S SOCIAL WORKER

877-015-0105
Rules Applicable to Registration and Licensure

This division of rules describes the procedures and requirements to obtain and renew a certificate of registration as a baccalaureate social worker and a license as a master's social worker and the requirements regarding surrender and reapplication for a certificate or license. The board may issue a certificate of registration as a baccalaureate social worker or a license as a master's social worker commencing January 1, 2011.

Stat. Auth: ORS 675.510-675.600, 675.532-675.533, SB 177(2009) & HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990-675.994 & 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-015-0108
Eligibility Requirements

To be eligible for initial certificate of registration or license, a person must meet the requirements in sections (1) through (6) of this rule:

(1) The person must submit a complete and accurate application on a form provided by the board.

(2)(a) The person must hold the degree described in sub-section (b) of this section from a college or university accredited by a credentialing body recognized by the board. For an initial certificate of registration only, the person may hold the degree described in sub-section (b)(A) of this section from a college or university accredited by 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.

(b)(A) The degree required for initial registration is a baccalaureate degree in social work.

(B) The degree required for initial licensure is a master's degree in social work.

(3) The person must be fit to practice social work in Oregon. The board uses the following standard and procedure to make a fitness determination:

(a) To be fit to practice social work in Oregon, the person 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 doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question should be

rationally connected to the applicant's fitness to practice social work; 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's history includes conduct that may call into question the person's fitness, the board will consider, if made available by the person, the amount of time elapsed since the conduct and the person's relevant conduct since the questioned conduct, including remedial or compensatory actions taken by the person, if appropriate.

(4) The person must be fit to practice social work in Oregon. In making this fitness determination, the board will consider whether the person is subject of an investigation or disciplinary action by a licensing board and the reasons for the action.

(5) The person must pass the following examination administered by the Association of Social Work Boards:

(a) For registration as a baccalaureate social worker, the bachelor's level examination.

(b) For licensure as a master's social worker, the master's level examination.

(6) The person must achieve a score of 90 percent on the examination on the Oregon statutes and rules prepared by the board on:

(a) The contents of ORS 675.510 to 675.600 and OAR chapter 877, which are the Oregon statutes and administrative rules governing regulated social work.

(b) Oregon Revised Statutes relating to mental health practice that may be relevant to regulated social work.

(7) In the case of an application submitted to the board prior to January 1, 2013, the requirement in section (5) of this rule to pass a test is not applicable. An application mailed to the board is considered submitted on the date the application is postmarked if it is subsequently received by the board.

(8) In the case of an application submitted to the board by a Clinical Social Work Associate who applies for Licensed Master's Social Worker licensure after having completed 75 hours of supervision required in OAR 877-020-0010(3)(b)(A), the requirement in section (5)(b) of this rule to pass a test is not applicable.

Stat. Auth: ORS 675.510-675.600, 675.532-675.533, SB 177(2009) & HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990-675.994 & 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-015-0131
Surrender of Certificate of Registration

(1) A baccalaureate social worker or master's social worker may offer to surrender a certificate of registration or license at any time.

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

(3) Complaint pending:

(a) If a complaint is pending at the time an offer to surrender is received by the board, or after the board has initiated disciplinary action, the offer to surrender may be accepted by the board. The board may make acceptance of the offer to surrender contingent upon terms of a final order in a contested case.

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

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-015-0136
Reissuance of Certificate of Registration

(1) Following a voluntary surrender under OAR 877-015-0131, the board may issue a new certificate of registration or license if:

(a) The applicant submits a letter to the board explaining the reasons for returning to practice as a regulated social worker;

(b) The board approves the applicant's proposal to demonstrate competence to hold the certificate of registration. The plan may involve participation in continuing education programs; and

(c) The applicant takes and passes the examination described in OAR 877-015-0108(6) on Oregon statutes and rules.

(2) If the board accepts a voluntary surrender after a complaint was filed with the board against the holder while the complaint is pending, the board may issue the certificate of registration or license under conditions that take into account the circumstances of the surrender and may attach conditions to the registration or licensure, including conditions contained in a final order if one was served in connection with the surrender. The board will not reinstate a certificate of registration or license that has been surrendered. A person who surrenders a certificate of registration or license may apply for a new certificate of registration three years after the date the surrender was accepted by the board.

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

Stat. Auth: ORS 675.510-675.600, 675.532-675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990-675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-015-0146
Inactive Status

(1) Upon written request and certification by a baccalaureate social worker or a master's social worker who plans not to practice as a regulated social worker in Oregon for an extended period of time, the board may place a certificate or license in inactive status.

(2) A baccalaureate social worker or master's social worker whose certificate or license is in inactive status is subject to the requirements imposed on baccalaureate social workers or master's 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, the person making the request 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 the certificate or license while it is inactive, the baccalaureate social worker or master's social worker must certify on a form provided by the board that the baccalaureate social worker or master's social worker will not use a title that indicates the person has an authorization to practice regulates social work while the certificate or license is inactive.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-015-0155
Return to Active Status

(1) The holder of an inactive certificate or license may submit a written request to the board to return to active status.

(2) As a condition of approving the request, the board may 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 than two years.

(3) The holder must pass the examination on Oregon statutes and rules described in OAR 877-015-0108 if the request to return to active status is received by the board more than 36 months after the board notified the holder that the certificate or license was inactive.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 20

PROCEDURE FOR CERTIFICATION OF CLINICAL SOCIAL WORK ASSOCIATES AND LICENSING OF LICENSED CLINICAL SOCIAL WORKERS

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 controls office space by renting, owning, or leasing it;

(6) The organization displays its name on the premises so as to be clearly visible to clients;

(7) The name of the organization is on all forms given to the client;

(8) The organization maintains the responsibilities for hiring and firing of staff;

(9) The organization pays the staff for clinical services;

(10) Supervision of clinical social work associates is provided on a regular basis;

(11) Evaluation of the competence of social workers who provide social work services at the organization is provided on a regular basis; and

(12) Policies and procedures of the organization are available in written form for the staff and clients.

Stat. Auth.: ORS 675.510 – 675.600 & 675.990
Stats. Implemented: ORS 675.590
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-020-0005
Rules Applicable to Certification and Licensing

This division of rules contains:

(1) The requirements to obtain and renew a certificate of social work associate.

(2) The requirements to obtain and renew a clinical social work license.

(3) The rules regarding the surrender and reapplication for a new license.

(4) The rules regarding the surrender and reapplication for a new certificate.

(5) The process of de-activating and re-activating a clinical social work license.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.537
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11;
BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

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 must meet the requirements in sections (1) through (5) of this rule:

(1) The person 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 must be fit to practice social work in Oregon. In making this fitness determination, the board will consider whether the person 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 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; 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's history includes conduct that may call into question the person's fitness, the board will consider, if made available by the person, the amount of time elapsed since the conduct and the person's relevant conduct since the questioned conduct, including remedial or compensatory actions taken by the person, if appropriate.

(3) The person 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 must pass both the 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 approved 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 rules:

(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.

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

(b) For the national examination:

(A) Human Development, Diversity and Behavior in the Environment.

(B) Assessment, Diagnosis and Treatment Planning..

(C) Psychotherapy, Clinical Interventions and Case Management

(D) Professional Ethics and Values.

Stat. Auth.: ORS 675.510 - 675.600 & 675.990
Stats. Implemented: ORS 675.535
Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 3-1990(Temp), f. & cert. ef. 10-15-90; BCSW 1-1991, f. & cert. ef. 3-15-91; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef.

3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-020-0009
Requirements for Certificate of Clinical Social Work Associate

To be eligible for a certificate of clinical social work associate, a person must:

(1) Submit a complete and accurate application on a form provided by the board.

(2) Hold a master's degree in social work from a college or university accredited 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.

(3) Meet the fitness requirements of OAR 877-020-0008(2).

(4) Submit to the board for approval and, following approval, satisfactorily work toward completing an approved plan of practice and supervision that:

(a) Shows that the person will meet the requirements in OAR 877-020-0010(3) while working in an agency that:

(A) Provides the associate with sufficient support to progress toward licensure;

(B) Screens patients who are served by the agency and by the associate; and

(C) Either:

(i) Is licensed by the Oregon Department of Human Services; or

(ii) If not required to be licensed by the Oregon Department of Human Services, is in compliance with the requirements to conduct business in Oregon.

(b) Requires a minimum of 3,500 practice hours of which at least 2,000 hours must involve direct contact with a client of the agency.

(c) Provides for all clinical social work practice by the associate to be supervised and that supervision of the associate meets the requirements of OAR 877-020-0012.

(d) Provides that the associate meet with the plan supervisor for a minimum of one hour not fewer than two times a month. This requirement of the supervision is not met through a training or administrative activity. The associate may meet alone with the supervisor (individual supervision) or may meet with the supervisor and as many as four other mental health professionals (group supervision).

Stat. Auth.: ORS 675.510 – 675.600 & 675.990
Stats. Implemented: ORS 675.537
Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

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 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 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 contained in paragraph (A) of this sub-section, the associate must continue to meet at least once each month with a plan supervisor for a minimum of one hour.

(c) All supervision must be accomplished directly, in a professional setting.

(d) 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 are authorized) required by OAR 877-020-0012(2)(e)(A) of the progress by the associate toward completion of the plan.

(e) The associate must pass the national examination required by OAR 877-020-0008.

(f) The associate must 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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.990
Stats. Implemented: ORS 675.537
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

(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 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 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 contained in paragraph (A) of this sub-section, the associate must continue to meet at least once each month with a plan supervisor for a minimum of one hour.

(c) All supervision must be accomplished directly, in a professional setting.

(d) 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 are authorized) required by OAR 877-020-0012(2)(e)(A) of the progress by the associate toward completion of the plan.

(e) The associate must pass the national examination required by OAR 877-020-0008.

(f) The associate must 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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.990
Stats. Implemented: ORS 675.537
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-020-0012
Requirements of Supervision

(1) Qualifications of supervisor.

(a) The supervisor of the associate must be a licensed clinical social worker, approved by the board at the time the applicant submits the plan of practice and supervision for approval, unless the associate works more than 50 miles from the nearest licensed clinical social worker able to serve as supervisor of the associate. In this event, upon request of the associate, the board may authorize a supervisor who is one of the following:

(A) A clinical psychologist licensed in Oregon, a psychiatrist licensed in Oregon, or a person similarly qualified.

(B) A person who meets the following requirements for licensure but has not been licensed by the board:

(i) The educational requirement in OAR 877-020-0009(2).

(ii) Field experience requirement described in OAR 877-020-0009(3).

(b) The supervisor of the associate:

(A) Must have completed two years of licensed practice.

(B) Must have completed and reported to the board at least six hours of continuing education hours described in OAR 877-025-0006(1) or (2) in techniques of supervision within five years prior to commencing the supervision of an associate.

(2) Requirements of the supervision.

(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.

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

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

(A) 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.

(B) 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.

(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 the associate is not complying with the plan of practice and supervision.

(C) Report to the board in writing immediately in the event the relationship between the supervisor and the associate ends earlier than the date provided for in the Plan.

(D) Make other reports as required by the board.

Stat. Auth.: ORS 675.510 - 675.600, 675.990
Stats. Implemented: ORS 675.537
Hist.: BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0016
Licensing of People Qualified in Another Jurisdiction

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

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

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

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

(4) The person 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 and 877-015-0108(5)(a)(b).

(5) 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 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

(6) Applicants for Oregon LCSW licensure who qualify for issuance of a CSWA certification as required in subsection (5) of this rule must comply with the supervision requirement in 877-020-0010(3)(b)(B).

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.535(4)
Hist.: BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1998, f. & cert. ef. 9-14-98; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-020-0031
Surrender of License or Certificate

(1) A licensed clinical social worker or clinical social work associate may offer to surrender his or her 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 the surrender and void the license or certificate.

(3) Complaint pending:

(a) A licensed clinical social worker or clinical social work associate may offer to surrender his or her 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 by the board, and the board may make acceptance contingent upon terms of a final order in a contested case.

(b) 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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

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.

(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.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

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 the certificate or license while it is inactive, the associate or licensee must certify on a form provided by the board that the associate or licensee will not use a title that indicates the person has an authorization to practice regulates social work while the certificate or license is inactive.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.560
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-30-06; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-020-0055
Return to Active Status for Licensees

(1) The holder of an inactive certificate or license may submit a written request to the board to return to active status.

(2) As a condition of approving the request, the board may 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 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(5)(a) if the request to return to active status is received by the board more than 36 months after the board notified the holder that the license was inactive.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.510 - 675.600 & 675.900
Hist.: BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-020-0057
Re-licensing of Former License Holder

(1) A person whose license has lapsed (applicant) may apply to the board to receive a new license.

(2) To be eligible for a license, an applicant:

(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 OAR 877-022-0005 as an applicant for a license.

(c) Must have passed the national examination described in OAR 877-020-0008(5) and (6).

(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, recency of practice, 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.

(f) Must pass the examination on Oregon statutes and rules described in OAR 877-020-0008(5)(a).

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-020-0060
Reduced Requirements

(1) A person described in section (2) of this rule is subject, upon written request submitted to and approved by the board, to the following requirements for continuing education and renewal fees:

(a) Continuing education:

(A) The number of hours required by OAR 877-025-0011(1) is reduced to 20.

(B) Continuing education described in OAR 877-025-0006(1) or (6) only is authorized.

(C) Carryover of hours, addressed in OAR 877-025-0016(4), is not authorized.

(D) This rule does not change the continuing education hours required for a supervisor or the continuing education requirement for ethics training.

(b) The fee for renewal of a license, described in OAR 877-001-0020, is reduced by half.

(2) The requirements described in section (1) of this rule are applicable to a licensed clinical social worker who:

(a) Has practiced clinical social work under the authority of a license for twenty years;

(b) Has not been disciplined by a licensing authority during the prior 15 years of social work practice; and

(c) Engages in the practice of social work for not more than 500 hours a year.

(3) A person subject to the provisions of section (1) of this rule may not apply for an inactive license.

(4) In this rule, "the practice of social work" means the application of social work theory, knowledge, methods, and ethics to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 2-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-1

DIVISION 22
CRIMINAL RECORDS CHECK

877-022-0005

Requirements Pertaining to Criminal Records Check

(1) A person who wishes to be registered, certified, or licensed under this chapter must meet the fitness requirements of OAR 877-015-0108 or 877-020-0008, as applicable. As part of a fitness determination, the board considers past conduct, including conduct that resulted in a criminal conviction, that is related to a person's honesty, or is related to the practice of social work. The purpose of this rule is to implement ORS 181.534(9) and provide for criminal records checks by the board. The results of criminal records checks are used by the board to determine fitness to be a regulated social worker.

(2) The following persons must, upon request of the board, take the steps necessary to complete a request for a state or nationwide criminal records check under ORS 181.534:

(a) A person who applies to be a regulated social worker.

(b) A regulated social worker who is the subject of inquiry by the board.

(3) To complete the request for criminal records, the board may require the person to:

(a) Provide information necessary to obtain the criminal records check.

(b) Provide fingerprints on forms made available by the board.

(c) Pay the actual cost to the board of conducting the criminal records check.

(4) In reviewing the information obtained from a criminal records check, the board may consider:

(a) Any criminal conviction and related information a court could consider in imposing a punishment, in compliance with ORS 670.280

(b) Any arrests and records related to any crime that may be indicative of a person's inability to perform as a regulated social worker with care and safety to the public.

(5) Fitness determination. In deciding whether an individual is fit to hold an authorization to practice regulated social work, the board may consider:

(a) A criminal records background check.

(b) False statements made by the individual regarding criminal history of the individual.

(c) A refusal to submit or consent to a criminal records check including fingerprint identification.

(d) Other pertinent information obtained as part of an investigation.

(6) The board may make a fitness determination conditional upon the individual's acceptance of probation, conditions, limitations, or other restrictions upon becoming a regulated social worker. In the process followed by the board for making a fitness determination, the following apply:

(a) A person identified in section (2) of this rule who makes a false statement regarding the person's

criminal history is unfit and subject to denial of an application for an authorization to practice regulated social work or to disciplinary action authorized in ORS 675.510 to 675.990, including denial of the application.

(b) If a person identified in section (2) of this rule refuses to consent to a criminal records check or refuses to be fingerprinted, the board will revoke the person's authorization to practice regulated social work or, in the case of an applicant, will consider the application incomplete.

(c) For all fitness determinations not covered by subsection (a) or (b) of this section, the board will consider, at a minimum, the following:

(A) The nature of the crime of which the person has been convicted or indicted;

(B) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the person's present or proposed position as a holder of an authorization to practice regulated social work; and

(D) Intervening circumstances relevant to the responsibilities and circumstances of the position as a holder of an authorization to practice regulated social work. Intervening circumstances include but are not limited to the following factors with respect to a crime of which the person has been convicted:

(i) The length of time since the commission of the crime;

(ii) The age of the subject individual at the time of the crime;

(iii) The likelihood of a repetition of an offense or of the commission of another crime;

(iv) The subsequent commission of another relevant crime;

(v) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(vi) A recommendation of an employer who employed the person after the conviction.

(E) Other relevant information.

(7) Protection of information:

(a) Information obtained by the board in carrying out its responsibilities under this rule is considered part of the investigation of an applicant or licensee and is confidential under ORS 676.175.

(b) Criminal offender information obtained from the Law Enforcement Data System must be handled in accordance with the applicable requirements in ORS chapter 181 and OAR chapter 257, division 15.

(8) The board will permit the person for whom a fingerprint-based criminal records check is conducted to inspect the individual's own state and national criminal offender records in the possession of the board and, if requested by the applicant, provide the individual with a copy of those records.

(9) Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or Federal Bureau of Investigation must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or the reporting agency and not to the board.

(10) A person against whom disciplinary action is taken by the board on the basis of information obtained as the result of a criminal records check conducted pursuant to this rule is entitled to notice and hearing in accordance with the provisions for contested cases in ORS chapter 183.

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 25

CONTINUING EDUCATION REPORTING REQUIREMENTS

877-025-0001
General

A regulated social worker must complete and report continuing education according to the requirements in this division of rules. A certified social work associate is not required to complete or report continuing education.

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-025-0006
Types of Continuing Education

To meet the requirements of this division of rules, 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, 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 approves a credentialing body based on the following practices of the body:

(A) The body uses an established process for determining which training to provide or approve.

(B) The body uses an established process for determining who will present the training.

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

(D) The body establishes an appropriate number of continuing education credits for the training.

(E) The body verifies the credentials of the presenters of the training.

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

(G) The body provides 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 approved by the Board based on the regulated social worker's written application that:

(A) Contains the following information:

(i) Name or description of the event.

(ii) Date of the event.

(iii) Brief description of the training sufficient to show that the training meets the requirements of section (2)(a) of this rule.

(iv) Name and credentials of each presenter.

(v) Number of continuing education units requested.

(vi) Copy of the certificate of completion.

(B) Is 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 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 form 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 at an accredited college or university.

(4) 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 award to the regulated social worker by the credentialing body.

(5) 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.

(6) Development and presentation of a conference, workshop, or seminar that would be countable for credit under section (1) or (2) of this rule.

(7) 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.

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

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.

(b) Following the first renewal of a certificate of registration or license, except when the regulated social worker is on 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.

(c) A report covering a two-year period must include:

(A) For a registered baccalaureate social worker, a minimum of 20 hours of creditable continuing education, including a minimum of 6 hours of ethics.

(B) For a master's social worker, a minimum of 30 hours of creditable continuing education, including a minimum of 6 hours of ethics.

(C) 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 for a one-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.

(d) 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.

(a) 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.

(b) 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.

(c) Examples of circumstances that may justify a waiver are:

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

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

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-025-0016
Limitations on Types of Continuing Education

The number of hours creditable in a two-year reporting period is subject to the following provisions:

(1) The report must contain six or more hours of continuing education in ethics.

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

(3) The hours of continuing education described in OAR 877-025-0006(5) that may be credited in a report is limited to half the number required by OAR 877-025-0011.

(4) A licensed clinical social worker who reports more than 40 hours for a two-year reporting period or 20 for a one-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.

(5) If the first reporting period is one year rather than two, the limits in sections (2) and (3) of this rule are pro-rated.

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

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 the case of a 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.

(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.

Stat. Auth.: 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)
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 30
CODE OF ETHICS FOR REGULATED SOCIAL WORKERS

877-030-0025
Applicability

The following rules in this division of rules provide a standard of ethics to be followed by regulated social workers and applicants for licensure or certification to practice as a regulated social worker.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-030-0030
Ethical Responsibility

Regulated social workers' ethical responsibilities to their clients begin when the client-provider professional relationship is entered into by the regulated social worker and the client and remain in effect until the relationship is terminated by either party, except as provided in OAR 877-030-0070.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-030-0040
Conduct and Reporting Requirements of Regulated Social Workers

(1) Conduct: The following minimum standards of professional conduct apply to regulated social workers:

(a) Private conduct of regulated social workers is a personal matter to the same extent as with any other person, except when that conduct compromises the fulfillment of professional responsibilities.

(b) Regulated social workers may not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation.

(c) Regulated social workers may not misrepresent their professional qualifications, education, experience, or affiliations.(2) Reporting Requirements:

(a) Regulated social workers must report to the Board as soon as practicable, but not later than 10 days after:

(A) Being convicted of a misdemeanor or felony;

(B) Being arrested for a felony crime;

(C) Receiving notice of a civil lawsuit that names the regulated social worker as a defendant and makes allegations related to the regulated social worker's practice of clinical social work or the regulated social worker's license or certificate;

(D) Becoming an in-patient in a psychiatric hospital or psychiatric day treatment facility; or

(E) Receiving notice of a regulatory action related to the regulated social worker's license or certificate.

(b) Regulated social workers must report child and elderly abuse as required by ORS 419B.005 to 419B.050 and 124.050 to 124.095.

(c) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a regulated social worker is required to report to the board any information the regulated social worker has that appears to show that a regulated social worker is or may be an impaired professional or may have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements of ORS 675.580. A regulated social worker is an impaired

professional if the regulated social worker is unable to practice with professional skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability or by reason of a mental health disorder.

(d) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a regulated social worker licensee who has reasonable cause to believe that a licensee has engaged in prohibited or unprofessional conduct is required to report the conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting regulated social worker must report the conduct without undue delay, but in no event later than 10 working days after the reporting regulated social worker learns of the conduct. In this section:

(A) "Licensee" means a health professional licensed or certified by or registered with a board.

(B) "Board" has the meaning given that term in ORS 676.150.

(C) "Prohibited conduct" means conduct by a licensee that:

(i) Constitutes a criminal act against a patient or client; or

(ii) Constitutes a criminal act that creates a risk of harm to a patient or client.

(D) "Unprofessional conduct" means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or client.

(2) Administrative Reporting Requirements: Regulated Social Workers must notify the Board as soon as practicable, but no later than 30 days, after changes in the regulated social workers name of record, address of record, and employer of record, including changes in the mailing address of the employer of record, as defined in OAR 877-001-0009.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 2-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13

877-030-0070
Ethical Responsibility to Clients

A regulated social worker's primary responsibility is to clients. Regulated social workers must serve clients with professional skill and competence including but not limited to the following:

(1) Dual Relationship:

(a) Regulated social workers must not violate their position of power, trust, and dependence;

(b) Regulated social workers may not enter into a relationship with a client that conflicts with the ability of the client to benefit from social work practice;

(c) Regulated social workers may not enter into a relationship with a client that may impair the regulated social worker's professional judgment or increase the risk of exploitation of the client;

(d) Regulated social workers may not enter into a relationship with a client that increases the risk of exploitation for the client for the regulated social worker's advantage;

(e) Regulated social workers may not provide professional social-work services to an employee, supervisee, close colleague, or relative, or to any other person if there is a risk that providing the service would impair the regulated social worker's judgment or increase risk of client exploitation.

(f) Regulated social workers may not enter into an employer, supervisor, or any other relationship if there is a potential for exercising undue influence on a client. This includes the sale of services or goods in a manner that might exploit a client for the financial gain or personal gratification of the regulated social worker or a third party, or if there is a risk that such a relationship would be likely to impair the regulated social worker's judgment and increase the risk of client exploitation. This applies both to current clients and to those to whom the regulated social worker has, at any time in the previous year, rendered services as a regulated social worker.

(g) Regulated social workers may not, under any circumstances, engage in or solicit sexual acts or

engage in any conduct, verbal behavior or other communication with or towards a client that may reasonably be interpreted as sexual, seductive or sexually demeaning. This prohibition applies to current clients and to clients to whom the regulated social worker has at anytime within the previous three years provided social work services. The client's consent to, initiation of, or participation in, sexual behavior with the regulated social worker does not change the prohibited nature of the conduct.

(2) Regulated social workers must provide services with professional skill, cultural awareness, and language competency with respect to each client's needs.

(3) Regulated social workers may not provide inappropriate or unnecessary professional services to clients.

(4) Regulated social workers must provide clients with accurate and complete information regarding the extent and nature of services available. This includes the risks, rights, opportunities, and obligations associated with the provision of professional services to the client.

(5) Regulated social workers must seek consultation or make referrals whenever it may improve the provision of social-work services and is in the best interest of the client.

(6) Regulated social workers may not attempt to provide professional social-work services to clients outside their area of competence, training, and qualifications.

(7) Regulated social workers must terminate professional social-work services to clients when the services are no longer required or no longer serve the client's needs or interests.

(8) Regulated social workers may withdraw professional social-work services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effect. Regulated social workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the client does not pose an imminent danger to self or others; if the financial arrangements have been made clear to the client; and if the clinical and other consequences of nonpayment have been addressed and discussed with the client.

(9) Regulated social workers who anticipate the termination or interruption of service to clients must notify those clients promptly and provide for transfer, referral, or continuation of service in relation to the client's needs and preferences.

(10) Regulated social workers may not violate the legal rights of their clients.

(11) When a regulated social worker must act on behalf of a client who has been adjudged legally incompetent, the regulated social worker must safeguard the interests and rights of that client.

(12) When another individual is legally authorized to act on behalf of a client, regulated social workers may conduct business with that person, always keeping the client's best interests in mind.

(13) Except as permitted in ORS 675.580 and ORS 40.250, regulated social workers must respect the privacy of clients and hold in confidence information obtained in the course of professional contact between client and the regulated social worker.

(14) Information received by a regulated social worker from a potential client at the point of initial contact must be treated with the same respect for privacy as that of information received from a client.

(15) Regulated social workers must inform clients fully about the limits of confidentiality requirements.

(16) Access to records:

(a) Regulated social workers must provide clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records. Client access to their own records should be restricted only in exceptional circumstances when there is compelling evidence that access would cause harm to the client. Regulated social workers who are concerned that client access to their own records could cause serious misunderstanding or harm to the client should assist the client in interpreting the records. Both the client's request and the rationale for withholding some or all of the record should be documented by the regulated social worker in the case file.

(b) The provisions of sub-section (a) of this section do not apply in the case of a request for a public record.

(c) The provisions of sub-section (a) of this section do not apply in the case of regulated social worker who practices within an agency.

(17) Regulated social workers must obtain informed consent from clients before taping, recording, or permitting third party observation of their activities.

(18) Regulated social workers, when making reports, must obtain a release of confidentiality and shall avoid undue invasion of privacy by only presenting patient data pertinent to the purpose of the report.

(19) Fees. Regulated social workers in fee-for-service settings may charge reasonable fees and must inform clients of the fee arrangement before providing services.

(20) Regulated social workers may not solicit the clients of colleagues.

(21) Regulated social workers may not solicit clients from their employer for private practice.

(22) Regulated social workers may not assume professional responsibility for the clients of another agency or colleague without appropriate communication with that agency or colleague.

(23) Regulated social workers must relate to the clients of colleagues with full professional consideration.

(24) A regulated social worker who serves the clients of colleagues, during a temporary absence or emergency, must serve those clients with the same professional competence as to his or her own.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.510 - 675.600 & 675.900
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-030-0080
Administrators, Supervisors, and Teachers of Clinical Practice

(1) A regulated social worker serving as an administrator, supervisor, or teacher must promote conditions that foster and support ethical and competent professional performance.

(2) Clinical social workers in the role of administrator, supervisor, or teacher may not, under any circumstances, engage in a sexual relationship with a supervisee or student.

(3) Clinical social workers in the role of administrator, supervisor, or teacher may not enter into a therapeutic relationship with any employee, supervisee, or student.

(4) Clinical social workers in the role of administrator, supervisor, or teacher must explicitly define the conditions of their professional relationship to their supervisees or students.

(5) Clinical social workers as an employer, or in the role of administrator, supervisor, or teacher, must support and emphasize the need for formulation, development, enactment, and implementation of policies and agency rules which provide for safeguarding the rights of clients.

(6) Clinical social workers as employer, or in the role of administrator, supervisor, or teacher, bear the ethical responsibility for persons practicing under their direct supervision who are not regulated by professional registration, certification, or license.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.510 - 675.600 & 675.900
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; Renumbered from 877-030-0015; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-030-0090
General Provisions Governing Conduct

(1) A regulated social worker must cooperate with the Board, its investigators, and its committees in investigations made under OAR Chapter 877.

(2) A regulated social worker must fully comply with a final order issued to the regulated social worker by the Board.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-030-0100
Retention of Client Records; Disposition of Client Records in Case of Death or Incapacity of Licensee

(1) In this rule, "client record" means information maintained in a written or electronic form regarding treatment or billing of a client.

(2) A regulated social worker who serves clients outside of an agency setting must ensure that a client record is maintained for each such client and that all client records are legible and are kept in a secure, safe, and retrievable condition.

At a minimum, a client record must include an assessment of the client, a treatment or intervention plan, and progress notes of therapy sessions, all of which should be recorded concurrently with the services provided.

(3) Retention of records. A regulated social worker must retain a client record for seven years from the date of the last session with the client. (4) A regulated social worker in private practice must make necessary arrangements for the maintenance of and access to client records that ensure the clients' right to confidentiality in the event of the death or incapacity of the licensee. In regard to this requirement:

(a) The regulated social worker must name a qualified person or appropriately qualified records management company to intercede for client welfare and to make necessary referrals, when appropriate.

(b) The regulated social worker must keep the board informed of the name of the qualified person or records management company.

(c) The board will not release the name of the qualified person or records management company except in the following cases:

(A) The death or incapacity of the regulated social worker

(B) A client is unable to locate the regulated social worker.

(5) To be a qualified person under this rule a person must be a Licensed Clinical Social Worker or other licensed mental health professional licensed under Oregon law or a certified alcohol and drug abuse counselor.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
Stats. Implemented: ORS 675.595
Hist.: BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

DIVISION 40

PROCEDURES FOR HANDLING COMPLAINTS TO THE BOARD

877-040-0000
Management of Complaints

(1) The board intends to provide fair, expeditious response to complaints.

(2) A board member who is unable to render an impartial, objective decision regarding a complaint must abstain from participating in the preparation, hearing, deliberation and disposition of the complaint. An abstention is effective at the time a board member announces a decision not to participate.

(3) A board member who is a complainant or respondent in a complaint is disqualified from participating in the preparation, hearing, deliberation and disposition of the complaint.

(4) The board may initiate a complaint.

(5) The Consumer Protection Committee oversees investigations of complaints received by the board. The committee may conduct investigations, prepare reports, require evaluations, and negotiate proposed agreements and may perform other duties prescribed by the board. In carrying out these duties, the committee may assign to the board's staff the duties of conducting investigations and preparing reports. Subject to the approval of the committee, the board Executive Director may assist in negotiating a proposed agreement with a respondent.

(6) If the complainant is a client or former client of the respondent, the complainant must sign a waiver of confidentiality granting the board and its counsel access to records and other materials that are the ethical and legal responsibility of the respondent. Refusal by a complainant to comply with this requirement may result in the dismissal of the complaint.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595(2)
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 2-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-040-0003
Definitions

The following definitions apply in this division of rules:

(1) "Complainant" — A person or group of persons who files a complaint or the Board for Board-initiated complaints.

(2) "Complaint" — A report or an allegation that a person regulated by the board has committed an act that could subject the person to discipline under ORS 675.540 or is impaired. A complaint should specifically describe the conduct complained of to the best of the ability of the complainant

(3) "Consumer Protection Committee" — A committee of one or more board members assigned by the board to fulfill specified functions related to complaints. There may be more than one Consumer Protection Committee.

(4) "Impairment" — an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition.

(5) "Respondent" — A person regulated by the board against whom a complaint is filed.

(6) "Social work" in ORS 675.540(1)(c) and (1)(d) means "clinical social work" as defined in ORS 675.510(2).

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595
Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 2-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-040-0010
Form of Complaints

Any person may file a complaint alleging a violation of ORS 675.510 to 675.600 or of the rules of the board or an impairment. A complaint must identify the complainant and the respondent.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595(11)
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 2-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-040-0015
Notification to Respondent

(1) The Consumer Protection Committee may send a letter to the respondent stating the nature of the investigation and, if appropriate, an authorization to release confidential records. The committee will ask the respondent to provide a written reply within 30 days together with documents the respondent considers relevant.

(2) If the respondent replies to the request of the board, the reply is reviewed by the Consumer Protection Committee. The committee may ask for additional or more specific information.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595(11)
Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09

877-040-0016
Reporting Possible Prohibited Conduct to Law Enforcement Agency

(1) If, during the investigation of a complaint, a member of the Consumer Protection Committee or any board member believes a respondent has engaged in prohibited conduct, the committee or member must refer the case as soon as practicable to the board for its review. The board will review the case not later than the next regularly scheduled board meeting and will determine whether it has reasonable cause to believe that the respondent has engaged in prohibited conduct.

(2) If the board concludes there is reasonable cause to believe that the respondent has engaged in prohibited conduct, the board will present the facts to an appropriate law enforcement agency within 10 working days.

(3) In this rule, the term "prohibited conduct" has the same meaning given to it in section 1 (1)(c), chapter 536, Oregon Laws 2009. "Prohibited conduct" means conduct by a licensee that: (a) Constitutes a criminal act against a patient or client; or (b) Constitutes a criminal act that creates a risk of harm to a patient or client." The term "licensee" in the definition includes all regulated social workers.

Stat. Auth.: ORS 675.510 - 675.600
Stats. Implemented: ORS 675.510 - 675.600
Hist.: BLSW 1-2010, f. & cert. ef. 1-15-10

877-040-0019
Procedure for Investigation of Alleged Impairment

(1) On its own motion or upon complaint by any person the board may require a regulated social worker to undergo evaluation to determine if the person has an impairment.

(2) In order to determine whether a regulated social worker has an impairment, the board may require the person:

(a) To cooperate with an evaluation ordered by the board.

(b) To sign a release allowing the board to fully communicate with any treatment program or evaluator to obtain any evaluation respondent has undergone prior to or during the investigation by the board of the alleged impairment.

Stat. Auth: ORS 675.510 - 675.600, 675.532 - 675.533, SB 177(2009), HB 2345(2009)
Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990 - 675.994, 675.150
Hist.: BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11

877-040-0045
Stipulated Agreement

In the event the Consumer Protection Committee submits a proposed stipulated agreement to the board for consideration, the board may:

(1) Determine that approval is warranted and authorize the Chair or the board's designee to sign the agreement on behalf of the board;

(2) Determine that approval is not warranted;

(3) Direct the Consumer Protection Committee to renegotiate the agreement; or

(4) Take any other action authorized by law.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595
Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09

877-040-0050
Contested Case Hearing

When the board takes disciplinary action, the board will place notice of this action in the Directory of Regulated Social Workers. The board will also provide notice of the action to the Oregon Chapter of the National Association of Social Workers (NASW), the Oregon Society of Clinical Social Workers (OSCSW), and to the Association of Social Work Boards (ASWB) Disciplinary Action Reporting System (DARS).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595
Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2011(Temp), f. & cert. ef. 7-5-11 thru 12-31-11; BLSW 2-2011, f. & cert. ef. 12-29-11

877-040-0055
Request for Hearing

(1) To request a contested case hearing, a respondent, or an attorney on behalf of the respondent, must submit a written hearing request and answer to the board within the time specified in the notice of proposed action.

(2) An answer must include the following:

(a) An admission or denial of each factual matter alleged in the notice of proposed action.

(b) A short and plain statement of each relevant affirmative defense the respondent may have to the allegations in the notice of proposed action.

(3) Except for good cause:

(a) Factual matters alleged in the notice of proposed action and not denied in the answer are presumed admitted.

(b) Failure to raise a particular defense in the answer constitutes a waiver of the defense.

(c) New matters alleged in the answer, including affirmative defenses, are presumed denied by the board.

(d) Evidence may not be taken on an issue not raised in the notice of proposed action or the answer.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990
Stats. Implemented: ORS 675.595(11)
Hist.: BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2009, f. 6-15-09, cert. ef. 7-1-09