

SUMMARY OF RULE CHANGES – OAR CHAPTER 833

DIVISION 1 – PROCEDURAL

- Clarifies that that rulemaking notices to certain parties may be delivered by electronic mail
- Removes the requirement to send rulemaking notices to the Oregon Mental Health Counselors Association, an organization that no longer exists.
- Clarifies that contested case hearings are closed to the public.
- Makes clarifications to the process for obtaining information from the Board.

DIVISION 10 – DEFINITIONS

- Adds new definitions for AAMFT, Board, Hour Equivalents, LMFT, LPC, and NBCC.
- Modifies the Regional Accrediting Agency definition.

DIVISION 20 – APPLICATION METHODS

- Moves sections 0091 through 0501 to new Division 75, “General Licensure Provisions.”
- Requires email addresses and other clarifying information to be provided as part of an application.
- Clarifies that applications may be extended “for good cause.”
- Requires applicant to notify Board of application information changes within 30 days, including information related to character and fitness; failure to do so may be grounds for denial or revocation.
- Reorganizes; updates; removes confusing and redundant language. Updates and corrects rule references.
- Removes requirement for direct method applicants to have completed no less than 480 post-degree client contact hours within 60 months immediately prior application.
- Clarifies and adds specificity to the reciprocity application requirements.
- Removes redundant and contradictory supervised experience requirements that are appropriately set forth in Divisions 30 and 40.
- Repeals the Board’s acceptance of national credentials registry for professional counselors as a substitute for education and experience requirements, as this registry no longer exists.
- Increases the continuing education required for re-licensure, from 20 hours within one year to the regular activities required by OAR Ch. 833, Div. 80 (40 hours) within the prior two years.
- Clarifies the reapplication requirements and document transfer from the prior file.
- Adds provision that allows the Board to grant good cause extensions for applicants to take examinations.
- Clarifies the examination requirements and deadlines, and the consequences for failure to comply.

DIVISION 30 – REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELOR

- Updates statute numbers and rule references. Reorganizes; updates; removes confusing and redundant language.
- Eliminates arbitrary “comparable” and “majority” educational program standard requirements and sets forth clear CACREP /CORE approved and regionally accredited institutional or foreign program degree standards and coursework credit requirements for licensure as a professional counselor.
- Defines three years as 36 months for the experience requirement for licensure as a professional counselor. Clarifies post-graduate supervised experience accepted for licensure through the direct method of application, and eliminates need for difficult to verify criteria for previous experience for direct and reciprocity methods.
- Removes requirement that supervisor have completed 30 hours of supervision training for supervision received after June 30, 1992 for direct and reciprocity application methods.
- Clarifies examination requirements.
- Removes the Board’s ability to approve “other exams” not set forth in OAR.
- Allows the Board to notify examinees of their exam results in methods other than writing.

DIVISION 40 – REQUIREMENTS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS

- Updates statute numbers and rule references. Reorganizes; updates; removes confusing and redundant language.
- Eliminates arbitrary “comparable” and “majority” educational program standard requirements and sets forth clear COAMFTE/CACREP approved and regionally accredited institutional or foreign program degree standards and coursework credit requirements for licensure as a marriage and family therapist.
- Defines three years as 36 months for the experience requirement for licensure as a marriage and family therapist. Clarifies post-graduate supervised experience accepted for licensure through the direct method of application, and eliminates need for difficult to verify criteria for previous experience for direct and reciprocity methods.
- Removes requirement that supervisor have completed 30 hours of supervision training for supervision received after June 30, 1992 for direct and reciprocity application methods.
- Clarifies examination requirements.
- Removes the Board’s ability to approve “other exams” not set forth in OAR.
- Allows the Board to notify examinees of their exam results in methods other than writing.

DIVISION 50 – REGISTERED INTERNS

- Reorganizes, updates, and removes confusing and redundant language.
- Makes changes to intern PDS to align with the requirements of licensees.
- Removes PDS waiver option for interns practicing out of state.
- Adds requirement that the fee for supervision be disclosed in the intern registration plan, and requires fee, if any, to be paid in the form of a per-hour fee.

- Specifies three year clinical experience requirement per statute, and defines three years as 36 months. Clarifies requirements for counting hours outside of a registered intern plan.
- For supervision meetings, removes “no less than 50 minutes” definition of one hour.
- Adds new supervisor and intern responsibilities, including appropriate intern title representations to the public, exam study plan, creation and maintenance of supervision notes, and Board notification of interruptions or expected termination of the supervisory relationship.
- Requires interns to pay the same delinquent fee as licensees (\$50) when they renew after the due date; requires late renewals to be received within the renewal month or else the intern will be expired and must reapply.
- Adds name change notification requirement.

DIVISION 60 – GRADUATE DEGREE STANDARDS

REPEALED; integrated rule language into Divisions 30 & 40.

DIVISION 70 – FEES

- Removes stated amount of criminal background check fee and replaces with requirement to pay actual cost to the Board with application.
- Removes fee for annual renewal of license or internship with background check.
- Renames “delinquent fee” for late renewals.
- Establishes an inactive license renewal fee of \$100, and creates “reactivation” fee of \$125 to change back to active status.
- Clarifies that fees are nonrefundable [ORS 675.785(3)].

DIVISION 75 – GENERAL LICENSURE PROVISIONS

- Renumbers OAR 833-020-0091 to 833-020-0501 to a newly adopted Division 75.
- Creates an inactive status license and sets forth requirements to reactivate a license.
- Adds requirement that professional disclosure statement be accessible to people with disabilities (consistent with requirement of intern PDS)
- Clarifies that a person may not use the title of “licensed professional counselor” or “licensed marriage and family therapist,” including the abbreviations “LPC” and “LMFT,” unless the person holds a current license issued by the Board.

DIVISION 80 – CONTINUING EDUCATION

- Clarifies continuing education (CE) reporting period and number of hours required for licensees and new licensees.
- Allows requirement for six hours of ethics to include training in Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy.
- Waives CE requirements for licensees on inactive status.

- Adds requirement for CE to include four clock hours of training in cultural competency within each reporting period for renewal periods beginning January 1, 2017 and later [HB 2611, 2013].
- For licensees who supervise registered interns, including all licensees on the Supervisor Registry, adds requirement for CE to include three clock hours of supervision-related training within each reporting period. *Note: this will replace the requirement for supervisors to complete a renewal form, retake and pass the laws and rules exam, and complete five hours of supervision-related training every five years. That will be removed from Division 130.*
- Reorganizes, updates, and removes confusing and redundant language.
- Clarifies CE waiver procedures and eliminates granting of waivers for licensees who do not plan to practice for an extended period of time (replaced by new inactive status).
- Establishes policy that continuing education must be a learning activity that contributes directly to the professional competence of the licensee, and that the responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee.
- Requires that programs must be conducted by a qualified instructor or discussion leader and that licensees must obtain a record of attendance.
- Adds service as an Oregon Board of Licensed Professional Counselors and Therapists member or committee volunteer as a method of obtaining hours.
- Sets forth that no credit shall be allowed for repeat professional presentations, with exception for substantially changed programs.
- Clarifies home study programs.
- Adds requirement that supervision must be for a fee, and that credit may not be claimed for providing supervision or receiving disciplinary supervision.
- Creates minimum retention period for CE records as two years after reporting period.
- Clarifies acceptable documentation of CE activities and audit penalties.
- Clarifies that audited licensees hold the burden of proof of mailing of their records to the Board.

DIVISION 110 – COMPLIANCE

- Clarifies complaint procedures, reorganizes, and removes unnecessary and redundant language.
- Sets forth that complaints filed must be specific as to the conduct upon which the complaint is based, and that a complaint will be rejected if it does not allege a violation for which the Board has the grounds to impose sanctions pursuant to ORS 675.745 or 675.825.
- Allows the Board’s representative to require use of the Board’s complaint form.
- Sets forth that a complainant should sign a release, and that failure to do so may result in dismissal of the complaint.
- Establishes that failure to cooperate with a Board investigation constitutes unprofessional conduct which may subject a licensee, intern or applicant to disciplinary action.

DIVISION 120 – CRIMINAL HISTORY CHECKS

- Updates statute numbers and rule references. Reorganizes; updates; removes confusing and redundant language.
- Clarifies criminal history check procedures, and eliminates exceptions.
- Removes stated amount of criminal background check fee and replaces with requirement for subject individual to pay actual cost to the Board.
- Repeals the Board’s “information considered” related to a criminal history check and implements the streamlined statewide uniform fitness determination process and criminal records administrative rules. [Mandated by HB 3168, 2013; HB 2250, 2015]. Includes factors considered as part of fitness determination, such as mitigating circumstances, how a subject individual may contest an adverse determination, confidentiality of criminal offender information, and consequence for failure to comply per law.

DIVISION 130 – REGISTERED INTERN SUPERVISOR REQUIREMENTS

- Specifies that inactive licensees do not qualify for placement on the registry
- Removes the five-year registry renewal requirement. (Ongoing supervision training requirement is moved to Division 80)
- Reorganizes; updates; removes confusing and redundant language.
- Sunsets “grandfathering” provision created for current supervisors in 2010.
- Removes post-denial appeal process for supervisors with any disciplinary history, and creates an up-front review process.