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Board of Licensed Professional Counselors and Therapists 833

Agency and Division Administrative Rules Chapter Number
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To become effective 01/01/2018 Rulemaking Notice was published in the March 2017 Oregon Bulletin.

RULE CAPTION

Code of ethics for counselors, therapists, interns and applicants.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

833-100-0012

AMEND:

833-050-0031, 833-050-0041, 833-050-0091, 833-075-0050, 833-075-0070, 833-100-0011, 833-100-0021

REPEAL:

833-100-0031, 833-100-0041, 833-100-0051, 833-100-0061, 833-100-0071

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 675.705 - 675.835

Other Authority:

Statutes Implemented:

ORS 675.755, 675.785

RULE SUMMARY

This amendment repeals the Board's current code of ethics and adopts the 2014 American Counseling Association (ACA) Code of Ethics as the code of professional conduct applicable to licensed professional counselors, licensed marriage and family therapists, registered interns, and applicants. The amended rules maintain several components of the current code, relocating those provisions to other locations in rules where they best fit. This includes the client bill of right details within the professional disclosure statement (PDS), informed consent waiver, supervisor competence and supervisee oversight, disclosure of client records during Board investigation, prohibition against withholding client records solely for nonpayment, and various reporting requirements. Some provisions are moved into a new preamble to the code. The amendment deletes the partial list of statutory exceptions to confidentiality, but maintains that licensees and interns must explain the exceptions to confidentiality to clients as a part of their PDS. There are also some minor revisions to improve rule consistency and clarity.

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BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

DIVISION 50

REGISTERED INTERNS

833-050-0031

Registered Intern Professional Disclosure Statement

(1) Registered interns must furnish clients with a copy of a Board-approved professional disclosure statement before providing counseling or therapy.

(2) A professional disclosure statement must include the following information about the intern:

(a) Name, business address and telephone number;

(b) Name of the intern's supervisor(s);

(c) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the intern subscribes;

(d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;

(e) Supervision requirements;

(f) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;

(h) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:

(A) To expect that an intern has met the minimum qualifications of training and experience required by state law;

(B) To examine public records maintained by the Board and to have the Board confirm credentials of an intern;

(C) To obtain a copy of the Code of Ethics;

(D) To report complaints to the Board;

(E) To be informed of the cost of professional services before receiving the services;

(F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Licensees must include an explanation of each exception to confidentiality;

(G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.

(i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and

(j) A statement indicating the following: “Additional information about this registered intern is available on the Board’s website: www.oregon.gov/oblpcr.”

(3) The professional disclosure statement must be accessible to people with disabilities.

(4) Registered interns will assist their clients to understand the information in the professional disclosure statement.

(5) Whenever an intern changes the professional disclosure statement, the new statement must be provided to the board for approval.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0041

Intern Professional Disclosure Statement and Informed Consent Waiver

Requests for exemptions to the professional disclosure statement and informed consent distribution requirements must be submitted in writing to the Board. The Board may grant written exemptions if:

(1) Registered intern can satisfy the Board that there is good cause to be exempt from specific requirements; or

(2) The intern is providing crisis response counseling or therapy.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0091

Supervisor's Responsibilities

(1) The supervisor must:

(a) Review and evaluate appropriateness of client population and caseload, individual charts, case records and management, diagnostic evaluation and treatment planning, and methodologies for keeping client confidentiality.

(b) Recommend that the intern refer clients to other therapists when client needs are outside the intern's scope of practice.

(c) Ensure that letterhead, business cards, advertisements and directory listings, brochures, and any other representation includes the appropriate title as described in OAR 833-050-0111(1)(a) and the supervisor's name and designation as "supervisor."

(d) Assist the intern in developing a plan to prepare for and complete the competency exam in a timely manner.

(e) Notify the Board within 14 days and explain any significant interruption to supervision or expected termination of the supervisory relationship.

(f) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request.

(g) Be someone other than a spouse or relative by blood or marriage or a person with whom the intern has or had a personal relationship.

(h) Meet registered intern supervisor qualifications as required in OAR Chapter 833, Division 130.

(i) Submit a written evaluation of the intern's skills and progress every six months and at the conclusion of the plan. The report must include progress toward completion of the intern's plan. Supervisors may report to the Board at any time deemed necessary. Reports must be submitted on forms provided by the Board;

(2) If a supervisor has professional or ethical concerns about a supervisee being licensed, the supervisor must promptly notify the Board and provide the following information:

(a) Specific concerns regarding conduct or performance;

(b) Steps taken to address the concerns;

(c) A remedial action plan with measureable outcomes to address the concerns; and

(d) The intern's progress to address the concerns expressed by the supervisor.

(3) The Board may take any or all of the following actions to address concerns about registered interns:

(a) Identify a new supervisor to work with the intern;

(b) Require an assessment of the intern's mental and/or physical health;

(c) Require the intern to seek personal therapy;

(d) Extend the internship;

(e) Require additional training for the intern;

(f) Place internship on hold; or

(g) Deny the intern a license.

(4) A supervisor provides supervision only when the supervisor's professional competence is sufficient to meet the needs of the trainee or intern. A supervisor does not permit a trainee or intern under the supervisor's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or intern's level of training and accepts responsibility for the effects of the actions of the trainee or intern of which they should be aware.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

DIVISION 75

GENERAL LICENSURE PROVISIONS

833-075-0050

Licensee Professional Disclosure Statement

(1) To be approved by the Board, the professional disclosure statement shall include the following information required by this section and ORS 675.755:

- (a) The name, address and telephone number of the business;
- (b) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the licensee subscribes;
- (c) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;
- (d) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:
 - (A) To expect that a licensee has met the minimum qualifications of training and experience required by state law;
 - (B) To examine public records maintained by the Board and to have the Board confirm credentials of a licensee;
 - (C) To obtain a copy of the Code of Ethics;
 - (D) To report complaints to the Board;
 - (E) To be informed of the cost of professional services before receiving the services;
 - (F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Licensees must include an explanation of each exception to confidentiality;
 - (G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.
- (e) Formal education and training, title of highest relevant degree earned, school granting degree, and major coursework;

(f) Oregon licensure requirements for continuing education and supervision, as well as any significant post-degree work relating to professional practice;

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;

(h) A statement indicating the following: “Additional information about this counselor or therapist is available on the Board’s website: www.oregon.gov/oblpct”; and

(i) The Board’s name, address, telephone number, and email address.

(2) Prior to providing services, licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in section (1).

(3) Licensees must make a reasonable effort to assist the client to understand the information presented in the disclosure statement as required by the Code of Ethics.

(4) The professional disclosure statement must be accessible to people with disabilities.

(5) Requests for exemptions to the professional disclosure statement and informed consent distribution requirements must be submitted in writing to the Board. The Board may grant written exemptions to:

(a) Applicants for licensure not practicing professional counseling or marriage and family therapy in Oregon, except those seeking registration as an intern;

(b) Licensees on inactive status or not practicing professional counseling or marriage and family therapy in Oregon;

(c) Licensees providing crisis response; and

(d) Licensees who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements, and have received written exemption from the Board.

(6) If the licensee fails to provide the statement, the licensee may not charge the client a fee for services.

(7) Whenever a licensee changes a professional disclosure statement, the new statement must be presented to the Board for approval.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0070

Client Records

(1) A licensed professional counselor and licensed marriage family therapist or registered intern must:

- (a) Maintain client records for each client;
- (b) Ensure that client records are legible;
- (c) Keep records in a secure, safe, and retrievable condition; and
- (d) Notify the Board if client records have been destroyed or lost.

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:

- (a) A formal or informal assessment of the client;
- (b) Counseling goals or objectives; and
- (c) Progress notes of therapy or counseling sessions.

(3) Licensees and interns must retain client records for at least seven years from the date of the last session with the client.

(4) Licensees and interns must disclose to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding.

(5) Licensees and interns do not withhold records under their control that are requested by the client solely because payment has not been received for services.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

DIVISION 100

CODE OF ETHICS

833-100-0011

General Purpose and Scope

(1) The Board adopts the 2014 American Counseling Association (ACA) Code of Ethics as the code of professional conduct.

(2) The ACA code constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured. It has as its goal the welfare and protection of the individuals and groups with whom counselors and therapists work. This Code applies to the conduct of all licensees, registered interns and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. Violation of the provisions of this Code of Ethics will be considered unprofessional or unethical conduct and is sufficient reason for disciplinary action, including, but not limited to, denial of licensure.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-100-0012

Preamble

Licensees, interns and applicants must:

(1) Accept the obligation to conform to higher standards of conduct in the capacity of a counseling professional. The private conduct of a licensee is a personal matter to the degree that it does not compromise the fulfillment of professional responsibilities.

(2) Respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession.

(3) Correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the licensee's qualifications, services, or products. Advertisements must not be false, fraudulent, or misleading to the public. Testimonials from current clients are not solicited for advertising or other purposes due to the client's vulnerability to undue influence.

(4) Not engage in any conduct likely to deceive or defraud the public or the Board, or participate in, condone, or become associated with dishonesty, fraud, deceit, or misrepresentation.

833-100-0021

Responsibility

Licensees, interns and applicants must:

(1) Abide by the Code of Ethics and all applicable statutes and administrative rules regulating the practice of counseling or therapy or any other applicable laws, including, but not limited to, the reporting of abuse of children or vulnerable adults.

(2) Report to the Board within 30 days any civil lawsuit brought against the licensee, intern or applicant that relates in any way to the licensee, intern or applicant's professional conduct and notifies the Board of any disciplinary action or loss of a mental health professional or state license, certification, or registration.

(3) File a complaint with the Board within 10 days when the licensee, intern or applicant has reason to believe that another licensee, intern or applicant is or has been engaged in conduct that violates law or rules adopted by the Board. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other counselor or therapist. In that case, the client-therapist confidentiality supersedes the licensee or intern's requirement to report the other therapist. However, this does not relieve a licensee or intern from the duty to file any reports required by law concerning abuse of children or vulnerable adults.

(4) Not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intended to harm a counselor/therapist rather than to protect clients or the public.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2014, f. & cert. ef. 6-11-14