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DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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FILING CAPTION: Investigator Continuing Education Requirements

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RULES:

259-061-0005, 259-061-0240

AMEND: 259-061-0005

NOTICE FILED DATE: 08/22/2023

RULE SUMMARY: OAR 259-061-0005 provides definitions for the interpretation of Oregon Administrative Rules (OAR) Chapter 259 Division 61, Investigator Licensing Standards and Regulations. This rule change deleted the definitions for "continuing education" and "educational endeavor that reasonably could be beneficial to the work of the investigator." These definitions are no longer needed for the interpretation of OAR 259-061-0240, Continuing Education Requirements.

CHANGES TO RULE:

259-061-0005

Definitions ¶¶

- (1) "Administrative Termination" means the Department has stopped the processing of an application due to non-response from applicant or noncompliance with the application requirements or the requirements of these rules. ¶¶
- (2) "Board" means Board on Public Safety Standards and Training. ¶¶
- (3) "Complainant" means any person or group of persons who file(s) a complaint. The Department may, on its own action, initiate a complaint. ¶¶
- (4) "Complaint" means a specific charge filed with the Department that a licensed investigator or candidate thereto, or any person apparently operating as an investigator without a license, has committed an act in violation of ORS Chapter 703 or OAR chapter 259. ¶¶
- (5) "Committee" means the Private Security and Investigator Policy Committee. ¶¶
- (6) ~~"Continuing Education" means any educational endeavor that reasonably could be considered beneficial to the work of the investigator. ¶¶~~
- (7) "Department" means the Department of Public Safety Standards and Training. ¶¶
- (8) "Disciplinary Procedure" means all action up to the final resolution of a complaint after the issuance of a "Notice of Intent." ¶¶
- (9) ~~"Educational endeavor that reasonably could be beneficial to the work of the investigator" as used in ORS~~

~~703.447(4) means those educational endeavors that are in compliance with the Department's Continuing Education Guidelines, or are approved by the Private Security and Investigator Policy Committee.~~

~~(108) "Employee," as used in ORS 703.401 to 703.490, means a person who is employed lawfully by an employer. The employer controls the performance of that person; pays the salary, unemployment insurance, and worker's compensation insurance; and has sole authority to fire and control work hours and the conditions of work.~~

~~"Employee" in this context does not include a person engaged as an independent contractor.~~

~~(119) "Expired license": A license is considered expired on the date of expiration. A person may not practice as an investigator with an expired license.~~

~~(120) "Hours of experience" means documented clock hours.~~

~~(131) "Investigatory work" means any work performed in accordance with ORS 703.401(2).~~

~~(142) "Licensee" or "Licensed Investigator", as used in OAR 259-061-0005 through 259-061-0300 means a person licensed as an investigator under ORS 703.430.~~

~~(153) "Private investigator" is a licensed investigator who has completed a minimum of 1500 documented clock hours of investigatory work experience or an approved course of study or a combination of work and study as approved by the Department.~~

~~(164) "Provisional investigator" is a licensed investigator who has completed fewer than 1500 documented clock hours of investigatory work experience, or an approved course of study, or a combination of work and study as approved by the Department; and who may not employ or supervise other investigators. Under 1997 and 1999 editions of governing statute, this type of investigator was referred to as a "Registered Operative."~~

~~(175) "Respondent" means an investigator who is a licensee or candidate for licensure, or any person apparently operating as an investigator without a license, against whom a complaint has been filed.~~

~~(186) "Stipulated Agreement" means a written agreement entered into between the Department and a respondent.~~

~~(197) "Violation" means a violation of Oregon Revised Statutes or Oregon Administrative Rules as they pertain to the licensing requirements of investigators in the state of Oregon.~~

~~Statutory/Other Authority: ORS 703.401, 703.480~~

~~Statutes/Other Implemented: ORS 703.401, 703.480~~

AMEND: 259-061-0240

NOTICE FILED DATE: 08/22/2023

RULE SUMMARY: OAR 259-061-0240 provides additional interpretation of the continuing education requirements for licensed investigators established by ORS 703.447. The rule changes allow continuing education to be completed in-person, remotely, or through self-study. The rule changes simplify the list of continuing education sources and remove hour limitations for sources. The rule changes also help clarify the processes for carrying over extra continuing education to the next licensing period to align the rule language with current practices.

CHANGES TO RULE:

259-061-0240

Continuing Education Requirements ¶

~~(1) A licensed private investigator must complete and report 32 hours of continuing education. Two of the hours must be requirements during ethics each two-year licensure period. ¶~~

~~(2a) A licensed Provisional private investigator must complete and report 40 to least 32 hours of continuing education. ¶ At least two of the hours must be in ethics. ¶~~

~~(3b) Except as listed in (a)(ix) below, A licensed investigator may carry over up to 15 hours of continuing education to his or her next licensing period. At least two of the hours must be in ethics. ¶~~

~~(2) "Continuing Education" as defined in OAR 259-061-0005(6), includes, but is not limited to: ¶~~

~~(a) Books and manuals: Two hours of continuing education will be granted for each non-fiction book or professional/technical manual read, with a limit of six means any educational endeavor that reasonably could be considered beneficial to the work of the investigator. ¶~~

~~(3) Continuing education may be completed in-person, remotely, or through self-study. ¶~~

~~(4) Continuing education hours per licensing period. Books will be approved on a case-by-case basis; ¶~~

~~(b) College, internet or correspondence courses; ¶~~

~~(c) Conferences, seminars and interactive webinars; ¶~~

~~(d) Pre-recorded or non-interactive media: Limited to 24 continuing education hours per licensing period. ces include, but are not limited to: ¶~~

~~(a) Participation in conferences or educational courses offered by trade schools or colleges, whether as an attendee or a presenter; ¶~~

~~(e) Department/Board/Committee Meetings: One hour of continuing education will be granted for each hour in attendance of a Board or Committee Meeting, with a limit of eight cont Independent studies; ¶~~

~~(c) Publishing articles related to the field of investigation; and ¶~~

~~(d) Training education hours per licensing period; ¶~~

~~(f) L, classes, seminars, workshops, lectures, and public presentations: One hour of webinars. ¶~~

~~(5) Completion of the continuing education will be granted for each hour of presenting or attending a lecture or public presentation, with a limit of eight hours of continuing education per must be reported through a Department-approved submission process. The report may be submitted during the current licensure period; ¶~~

~~(g) Mentoring: One hour of continuing education per eight hours of training will be granted to licensed investigators who provide training to another investigator, with a limit of eight or with the application for renewal. ¶~~

~~(a) The Department may require the investigator to describe how the reported continuing educational hours per licensing period; ¶~~

~~(h) Network meetings: One hour of continuing education will be granted for each network meeting attended, with a limit of eight continuing education hours per licensing period; ¶~~

~~(i) Publications: Continuing education hours will be granted to individuals who have authored or co-authored publications. Continuing education hours awarded for publications will be at the Department's discretion, with a limit of 10 is beneficial to their work as an investigator. ¶~~

~~(b) The Department may reject reported continuing education that it does not reasonably consider beneficial to the work of the investigator. ¶~~

~~(6) If an investigator exceeds the required continuing education hours per during a two-year licensure period, with no carry over. ¶~~

~~(j) Any other continuing education that reasonably could be considered beneficial to the work of the investigator. ¶ the investigator may report the additional hours to the Department reserv and request the right to approve or disapprove any continuing education request at the hours carry over to the next licensing period. ¶~~

(4a) License renewal. An investigator must provide proof of completed continuing education by completing a Form PI-6 (Continuing Education Summary), upon application of license renewal.¶¶

(5) Licensed Investigators must retain documentation of proof of continuing education for four years.¶¶

(6) At the Department's discretion, the Department may audit continuing education. The maximum carryover is 15 hours per licensing period.¶¶

(b) Additional hours in ethics may carry over as part of the total number of hours completed but may not be used to satisfy the requirement to complete at least two hours in ethics during each licensing period.

Statutory/Other Authority: ~~ORS 703.430, 703.447, 703.480~~

Statutes/Other Implemented: ORS 703.430, ORS 703.480, ORS 703.447