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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 715
HIGHER EDUCATION COORDINATING COMMISSION

FILED
08/12/2025 9:25 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establishing rules for psilocybin facilitator schools, including limited exception to facility regulation

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/25/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/18/2025
TIME: 10:30 AM - 11:00 AM
OFFICER: Guthrie Stafford

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 503-446-4951
CONFERENCE ID: 185448789
SPECIAL INSTRUCTIONS:
Meeting ID: 222 096 706 922 8
Passcode: 6R25pD9J

NEED FOR THE RULE(S)

The adoption of OAR 715-045-0240 specifies tailored requirements for Psilocybin Facilitator Training programs, clarifies limited exceptions to HECC's facilities regulation, and clarifies that use of an Oregon-based service center by schools based out of state can still be considered a factor in determination of "physical presence" under OAR 715-045-0006(13)(b). The amendment of OAR 715-045-0012 moves existing instructor requirements for Psilocybin Facilitator programs to the new rule: OAR 715-045-0240. These changes consolidate the limited number of rules that apply only to Psilocybin Facilitator training programs in one place in the Oregon Administrative Rules, and provide several clarifications that have arisen in the context of such programs, which, unlike other types of training programs, make extensive use of facilities licensed by another agency as part of the instructional program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OHA Rules Referenced:
OAR Chapter 333 Division 333

https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=7102

List of programs approved by Oregon:
https://psilocybin.oregon.gov/training-approved

List of programs approved by Colorado:
https://dpo.colorado.gov/NaturalMedicine

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule is not anticipated to have any impact on racial equity.

FISCAL AND ECONOMIC IMPACT:

The rule clarifies that HECC does not regulate facilities already licensed by the OHA as service centers and that the HECC does not enforce facility regulations outside the state. This should reduce the HECC's regulatory burden and PCS licensees' compliance obligations, related to applying HECC facility rules to these locations, while still protecting students and consumers since these locations are regulated far more extensively by the OHA.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Oregon Health Authority Office of Psilocybin Services (OHA/OPS), Owners and staff at licensed Psilocybin Facilitator Schools, and students in these programs. For out-of-state licensees, Colorado's Department of Regulatory Agencies, and Department of Professions and Occupations (DORA).
(2)(a) At this time, we estimate no more than 40 schools will be affected. This is based on the list of 18 Oregon (OHA-approved) training programs with approved curriculum on the OHA/OPS website, and 14 Colorado (DORA-approved) training programs approved and listed on the DORA website. There is some overlap with schools in the two groups. No other states have licensed psilocybin facilitator frameworks.
(2)(b) There is no added burden. This rule change includes a limited exception to facilities regulation by the HECC, so the regulatory burden associated with facility regulation would be lessened under this rule. For example, licensed schools would not need to seek auxiliary facility approval for OHA-licensed service centers used in their programs.
(2)(c) There is no estimated increase in cost related to professional services, equipment supplies, labor or increased administration required to comply with the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Private Career School Advisory Committee has small business representatives, and this committee was consulted during rule development.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The HECC has a statutory responsibility to consult a dedicated Private Career School advisory committee, and has done so with this rule action.

RULES PROPOSED:
715-045-0012, 715-045-0240

AMEND: 715-045-0012

RULE SUMMARY: This rule outlines the standards and requirements for personnel employed at career schools.

CHANGES TO RULE:

715-045-0012
Personnel
(1) A career school shall establish, publish, and enforce specific written policies that set standards for the staff's:¶
(a) Professional performance and conduct;¶
(b) Evaluation; and¶
(c) Continuing education.¶
(2) Career schools shall employ as teachers only those individuals who are registered with the Commission and who meet the applicable requirements of this rule. All applications for teacher registration shall:¶
(a) Be recorded on forms provided by the Commission;¶
(b) Indicate the specific subjects the prospective teacher will teach;¶
(c) Be signed by the prospective teacher and a director at the school; and¶
(d) Be accompanied by relevant official transcripts, letters, and documents that confirm that the teacher meets the minimum requirements listed in subsections (3) and (4) of this rule.¶
(3) Individuals applying for registration as career school teachers must:¶
(a) Be at least 18 years of age¶
(b) Hold all Oregon licenses, permits, certificates, or other credentials, as well as successfully pass any examinations, legally required for employment in the field in which they teach. In limited circumstances, the Executive Director may grant a waiver from this requirement upon receipt of a written request from the school showing that a credential issued by another state would be accepted as an equivalent by the state in which the school is located.¶
(c) Have graduated from high school as evidenced by a photocopy of the applicant's high school diploma, a high school transcript indicating graduation, or a foreign equivalent. As an alternative, the applicant may show evidence of a General Education Development (GED) certificate or a transcript indicating graduation, from a postsecondary program which would typically require completion of high school, or an equivalent course of study, as a condition of admission. The Executive Director may grant a waiver to this requirement upon written request from the school.¶
(d) Have met the following experience requirements.¶
(A) Have at least two years of work experience or two years of education, or any combination of both, in the subject that they instruct. One year of experience is defined as 1,875 hours of work, education or training per year (37.5 hours per week times 50 weeks). Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time experience (3750 hours).¶
(B) For new teachers the work experience must have been within the last five years. The Executive Director may grant a waiver upon written request from the school.¶
(C) If a credential or qualifying examination is required for employment in the field by the state in which the school is located, the two years of experience must include at least one year of work experience as a certified practitioner in the subject in which they instruct, following certification or licensure. The Executive Director may grant a waiver upon written request from the school.¶
(D) In limited circumstances, the Executive Director may grant a waiver from the requirements written above upon receipt of a written request from the school.¶
(e) Pay the applicable registration fee specified in OAR 715-045-0007.¶
(f) Notwithstanding the work experience, education and training requirement specified in paragraph (d) of this subsection, the Commission may outline specific, industry/field requirements, in collaboration with state licensing agencies for non-cosmetology fields of practice.¶
(g) Notwithstanding the work experience, education and training requirement specified in paragraph (d) of this subsection, an applicant applying for registration to teach hair design, barbering, esthetics, nail technology, or some other cosmetology field or area of practice at a career school offering cosmetology programs may qualify to teach by completing a Commission-approved:¶
(A) 1,000 hour cosmetology teacher training program offered by a licensed career school, if the applicant possesses a valid credential from the Health Licensing Office; or¶
(B) 200 hour cosmetology teacher training program, if the applicant taught hair design, barbering, esthetics, nail technology, or some other cosmetology field or area of practice in another state whose licensing requirements are less than those established by the State of Oregon, or if the applicant's Commission-issued teacher registration expired three or more years ago.¶
~~(h) In lieu of meeting the requirements in OAR 715-045-0012(3)(b) through (d), an applicant for registration as a~~

~~teacher of an Oregon Health Authority-approved psilocybin facilitator training program must submit proof that the instructor is identified with a program approved by the Authority, and the instructor's qualifications have been submitted to the Authority under OAR 333-333-3020(4) or under OAR 333-333-3030.~~¶
(4) Career schools offering programs in hair design, barbering, esthetics, nail technology, or some other cosmetology field or area of practice may use individuals who are not registered teachers for the purpose of providing specialized training that enhances the students program of instruction. Such specialty trainers, also known as resource persons, may not provide more than a total of:¶
(a) 340 hours of instruction in a hair design program;¶
(b) 270 hours of instruction in a barbering program;¶
(c) 100 hours of instruction in an esthetics program; or¶
(d) 100 hours of instruction in a nail technology program.¶
(5)(a) In emergency situations, not to exceed three months, schools may hire substitute teachers who are the best-qualified persons available. Under no circumstances shall students be allowed to substitute as approved teachers.¶
(b) Within 14 days of hiring a substitute teacher, a career school must provide written notice to the Commission. The notice must include, at a minimum, the substitute teacher's name, telephone number, mailing address, and e-mail address, the start date and estimated end date for the substitute teaching, as well as a list of the programs and courses the substitute teacher will teach and, if applicable, copies of the substitute teacher's credentials.¶
(6) If a school utilizes any form of teacher assistants, aides, or trainees, it shall establish and maintain policies that set forth qualifications, duties, procedures for use of these personnel, and maintain a copy of these policies for review by the Commission. Teacher assistants, aides, or trainees:¶
(a) May not be used as substitutes or replacements for regular teachers;¶
(b) Must work under the direct supervision of a registered teacher; and¶
(c) May evaluate students only under direct supervision of a registered teacher.¶
(7)(a) The school shall have and implement written policies to promote improvement of teacher competency in their fields and in levels of performance in their teaching assignments. A recommended minimum for continuing education is 30 hours during each three-year period.¶
(b) If a credential or qualifying examination is required for employment in a field by the state in which the school is located, then a registered teacher preparing students to enter that field must comply with any applicable continuing education requirements.¶
(c) Notwithstanding paragraph (b) of this subsection, registered teachers who teach hair design, barbering, esthetics, nail technology, or some other cosmetology field or area of practice at a career school offering cosmetology programs must complete a minimum of 30 hours of continuing education three years after the date their registration was issued or reissued.¶
(8) Teacher registrations shall expire three years after the date the registration was issued. To renew a teacher registration, a registered teacher must submit a completed teacher registration form to the Commission accompanied by:¶
(a) The applicable registration fee specified in OAR 715-045-0007;¶
(b) Evidence that the teacher has satisfied any applicable continuing education requirements;¶
(c) If applicable, evidence that the teacher possesses a valid credential required by the state in which the school is located for employment in the field the teacher is preparing students to enter; and¶
(d) A listing of the career schools where the registered teacher has taught during the previous three years, as well as the programs and courses taught by the teacher.¶
(9) School directors must have at least two years of experience in school or business administration, teaching, or other experience directly related to their duties within the school's organization. The experience must have been obtained within the last five years. Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time experience. Full-time work experience is a minimum of 1,875 hours per year (37.5 hours per week times 50 weeks). Qualified persons who do not meet the criteria in section (11) of this rule may be appointed as directors with prior approval by the Executive Director and with a letter as required in subsection (12)(c) of this rule.¶
(10) Owners and directors, administrators, agents, supervisors, and instructors (hereinafter collectively "employees") subject to registration, licensure, or approval pursuant to ORS 345.010 to 345.450 are subject to suspension, revocation, or other discipline if the employee:¶
(a) Is charged with knowingly making any false statements in the application for a license, registration, or approval;¶
(b) Is charged with gross neglect of duty; or¶
(c) Is charged with gross unfitness.¶
(11) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following acts constitute gross neglect of duty:¶

(a) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;¶
(b) Substantial deviation from professional standards of competency;¶
(c) Violation of any ethical standard contained in OAR 715-045-0012(12);¶
(d) Engaging in acts in violation of laws or rules applicable to the profession;¶
(e) Failure or refusal to respond to questions, to provide information, or to furnish documents to a Commission representative pursuant to review, assessment, or investigation; or¶
(f) Any other statement or act or omission not consistent with personal integrity, ethics, or honesty.¶
(12) Gross unfitness is any conduct that renders an owner or employee unqualified to perform duties. The following acts constitute gross unfitness:¶
(a) Convictions of a crime or offense specified in subsection (12) of this rule or engaging in such wrongful acts even in the absence of a conviction;¶
(b) Commission of fraud, misrepresentation, or deceit;¶
(c) Commission of unfair, deceptive, or unlawful trade practices as defined in the Oregon Unlawful Trade Practices Act.¶
(13) No licensed school shall be owned by or employ an individual who is not of good moral character and reputation.¶
(a) Upon review by the Commission the Executive Director may find a person not to be of good moral character and reputation when the person:¶
(A) Has been convicted of a felony or a misdemeanor that involves the illegal use, sale or possession of a controlled substance, or that involves any sexual offense, or any violent offense;¶
(B) Has been convicted of an offense involving fraud or misrepresentation, or has committed fraud, misrepresentation, or deceit or has committed unfair, deceptive, or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605-646.652), or¶
(C) Is currently subject to suspension or revocation of a Commission-issued license or registration.¶
(b) The Executive Director shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts that support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements; and¶
(c) If the prospective employee has been convicted of a crime listed in subsection (13) of this rule, the Executive Director shall request a letter of recommendation from the employing school and the individual's most recent employer, parole officer, or other appropriate professional source. The Executive Director shall fully consider such recommendation along with all other supporting materials submitted by the prospective employee. The Executive Director, after reviewing submitted materials, may approve an employee registration on a probationary basis for a period not to exceed one year. Upon completion of the probationary period, if no further violation of subsection (12) has occurred, the probationary status will be removed.¶
(14) The school shall set minimum expectations and provide training for all instructional personnel and supervisors of instructional personnel in:¶
(a) Curriculum and Instruction - including the educator's competent application of:¶
(A) The school approved curriculum; and¶
(B) Effective teaching strategies; and¶
(b) Supervision and Evaluation of Students - including the educator's responsibility to:¶
(A) Record progress of individual students;¶
(B) Evaluate student performance; and¶
(C) Use effective classroom management;¶
(c) Ethics - including the educator's responsibility to:¶
(A) Know, respect, and obey all policies of the school;¶
(B) Exemplify personal integrity, ethics, and honesty;¶
(C) Keep student information confidential; and¶
(D) Avoid exploiting students for personal profit or advantage.
Statutory/Other Authority: ORS 345.080, ORS 345.325, ORS 345.400
Statutes/Other Implemented: ORS 345.325, ORS 345.400

ADOPT: 715-045-0240

RULE SUMMARY: This rule contains requirements tailored to Psilocybin Facilitator Training programs. Specific to these programs, it clarifies limited exceptions to HECC's facilities regulation, applying to Oregon Health Authority-licensed "service centers" within Oregon and to facilities used outside of Oregon, and clarifies that use of an Oregon-based service center by a school based outside of the state can still be considered a factor in a determination of "physical presence" under OAR 715-045-0006(13)(b).

CHANGES TO RULE:

715-045-0240
Psilocybin Facilitator Schools
The following requirements apply to private career schools operating an Oregon Health-Authority ("Authority")-approved psilocybin facilitator training program and to private career schools operating a training program leading to any out-of-state (non-Oregon) psilocybin facilitator's license that makes use of an Oregon Health Authority-licensed psilocybin service center as a practicum site pursuant to OAR 333-333-3070(4).¶
(1) Career School Teacher Requirements. In lieu of meeting the requirements in OAR 715-045-0012(3)(b) through (d), an applicant for registration as a teacher of an Oregon Health Authority-approved psilocybin facilitator training program must submit proof that the instructor is identified with a psilocybin facilitator training program approved by the Oregon Health Authority, and the instructor's qualifications have been submitted to the Authority under OAR 333-333-3020(4) or under OAR 333-333-3030.¶
(2) Limited Exception to Facilities Regulation. The Commission does not regulate the following as career school "facilities" under OAR 715, division 45:¶
(a) "Practicum sites" as defined by the Oregon Health Authority in OAR 333-333-1010; and¶
(b) Facilities located outside Oregon, including the site of any "alternative practicum" approved by the Oregon Health Authority pursuant to OAR 333-333-3070.¶
(3) Practicum Sites, Physical Presence in Oregon. Notwithstanding (2) above, the Commission may use information that a career school is utilizing a practicum site or alternative practicum site located in Oregon for purposes of determining whether the career school has a physical presence in Oregon under OAR 715-045-0006(13).
Statutory/Other Authority: ORS 345.020, ORS 345.325
Statutes/Other Implemented: ORS 345.020, ORS 345.325