

**OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS & THERAPISTS  
QUESTIONS AND ANSWERS ABOUT CUSTODIAN OF RECORD**

**Q1 *May the custodian of record requirement be waived for licensees and interns working for a state agency?***

No; submit the form listing the state agency and contact information.

**Q2 *Do you have a list of duties of a custodian of record?***

We do not have a list. The purpose of having a custodian is so that if you are no longer available, clients have someone to ask about their records and possibly referrals to other counselors or therapists.

**Q3 *I have worked for two organizations. Should I submit two custodians?***

Yes, submit two forms.

**Q4 *I am not practicing and do not have any client records. Do I need to submit a custodian of record form?***

Yes; please submit the form and write on it that you are not practicing and have no client records.

**Q5 *I am practicing out of the country. Do I need to identify a custodian of record in this country?***

No; as long as you do not have client records in Oregon from the last 7 years.

**Q6 *What is the deadline for submitting my custodian of record form?***

The rule takes effect November 1, 2012 but you have until you renew your license or internship in 2013 to submit the form.

**Q7 *My spouse is an LPC; may I designate her as the custodian?***

Yes, since she is licensed.

**Q8 *I am licensed and in academic setting not seeing clients. Do I need to respond in some way to indicate that?***

Yes; please submit the form and write on it that you are not practicing and have no client records.

- Q9** *Is the Custodian of Record's signature necessary?*  
Not required but may be helpful for you and assures us that the custodian knows you have named them as such.
- Q10** *Do I need to submit a custodian of record for my registered internship clients?*  
Yes.
- Q11** *November 1 seems like a very short timeline to submit the form. Do we have any flexibility?*  
Yes. The rule takes effect November 1, 2012 but you have until you renew your license or internship in 2013 to submit the form.
- Q12** *In order to maintain confidentiality, I am assuming additional release of information will be needed since the custodian will have access to records.*  
You should work that out with the custodian and make sure that your clients know that someone else may access their records.
- Q13** *The person I use is a licensed therapist who is licensed in other states. Does the person have to be licensed in Oregon?*  
The rule requires that licensed mental health professionals must be licensed in Oregon; that requirement is not there for other possible custodians . . . *a licensed mental health professional licensed under Oregon law, a licensed medical professional, a health care or mental health organization, an attorney, a school, or a medical records company.*"
- Q14** *Could an intern be a custodian even though he or she is not licensed?*  
Yes.
- Q15** *I provide counseling for my church. May the church be the custodian of those records?*  
No.
- Q16** *This requirement does not fit my situation; what should I do?*  
Call the Board office to explore alternatives.