



PERMANENT ADMINISTRATIVE ORDER

BLPCT 5-2021

CHAPTER 833
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

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FILING CAPTION: Registered "Intern" Title Change to "Associate."

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RULES:

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AMEND: 833-001-0020

REPEAL: Temporary 833-001-0020 from BLPCT 3-2021

RULE TITLE: Obtaining Information

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) The Board will provide the following information to members of the public in response to in-person or telephone inquiries regarding a particular applicant, registered associate, or licensee: name, license/registration number, date licensed/registered, if license/registration is active or expired, business address and telephone number, summary of education and experience, and if there are or have been any disciplinary actions proposed by the Board plus the status, disposition, or resolution of the proposed disciplinary actions, unless otherwise subject to or prohibited by law, statute, rule or regulation.

(2) Requests for any information other than that listed in section (1) of this rule, including written verifications of licensure, may be required to be in writing, and may require payment for copies of documents.

(3) Pursuant to ORS 676.175, information regarding complaints against or information obtained through investigations into the conduct of licensees, non-licensed individuals, or applicants for licensure will not be disclosed.

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 192

AMEND: 833-010-0001

REPEAL: Temporary 833-010-0001 from BLPCT 3-2021

RULE TITLE: Definitions

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

The definitions of terms used in ORS 675.705 to 675.835 and these administrative rules of the Board are:

- (1) "AAMFT" means the American Association for Marriage and Family Therapy.
- (2) "Accredited program" means the graduate program is fully accredited by COAMFTE, CACREP, or CORE.
- (3) "Associate registration plan" means a written description of post-graduate supervised work experience activities an applicant must complete to qualify for a license as a professional counselor or marriage and family therapist.
- (4) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.
- (5) "Board approved program" means a graduate program that the Board had found to be comparable to an accredited program.
- (6) "CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.
- (7) "CRCC" means the Commission on Rehabilitation Counselor Certification.
- (8) "Client record" means any information maintained in a written or electronic form about a client.
- (9) "Clinical experience" means the professional practice of applying principles and methods to provide assessment, diagnosis, and treatment of individuals and families with mental health disorders.
- (10) "COAMFTE" means the Commission on Accreditation of Marriage and Family Therapy Education.
- (11) "CORE" means the Council on Rehabilitation Education.
- (12) "Direct client contact hours" means only those clinical experience hours that are therapeutic or a combination of assessment and subsequent therapeutic interactions.
- (13) "Distance learning" means coursework, or training that does not involve attending a presentation or program in the presence of the instructor or facilitator and other courses through electronic communication.
- (14) "Distance Services" means any use of technology that replaces face to face delivery of counseling or therapy service. Such technologies include, but are not limited to, use of computer hardware and software, telephones, the internet, online assessment instruments and other communication devices.
- (15) "Electronic communication" means communication through use of videoconference, telephone, teleconference, internet, electronic mail, chat-based, or video-based.
- (16) "Equivalent" means comparable in content and quality, but not identical.
- (17) "Hour Equivalents" means that when requirements for licensure are given in quarter hours, the following formula will be used to determine equivalent hours:
 - (a) Two semester hours is equal to three quarter hours;
 - (b) One semester is equal to 1.5 quarters;
 - (c) One quarter credit hour equals 10 clock hours;
 - (d) One semester credit hour equals 15 clock hours.
- (18) "LMFT" means licensed marriage and family therapist.
- (19) "LPC" means licensed professional counselor.
- (20) "NBCC" means the National Board for Certified Counselors.
- (21) "Official transcript" means a document certified by an accredited college or university indicating degree earned, hours and types of coursework, examinations and scores, completed by the student; and submitted by the school to the Board.
- (22) "Practicing" means engaging in any of the activities listed in the definitions of marriage and family therapy and professional counseling set forth in ORS 675.705, including but not limited to providing clinical supervision to another

mental health professional who is providing counseling or therapeutic services to clients.

(23) "Receipt" means the date received by the Board office as shown by US Postal Service postmark, or date received stamp if document was not mailed or without postmark.

(24) "Regional accrediting agency" means one of the regional institutional accreditation bodies recognized by the United States Secretary of Education and established to accredit senior institutions of higher education.

(25) "Registered associate" (formerly "registered intern") means an applicant for licensure who has met the educational requirement for licensure, and is in the process of obtaining the required supervised work experience under a registration plan approved by the Board.

(26) "Supervision" means a professional relationship between a qualified supervisor and an intern, registered associate, counselor, or therapist during which the supervisor provides guidance and professional skill development and oversight to the intern, registered associate counselor or therapist.

STATUTORY/OTHER AUTHORITY: ORS 675.715, 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.785

AMEND: 833-020-0011

RULE TITLE: Applications

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board and be on forms provided by the Board.
- (2) Application for licensure must include gender, date of birth, social security number, practice and residence addresses, email address, similar licenses held in other states, and history of professional discipline, litigation, and criminal involvement and be accompanied by:
 - (a) The non-refundable application fee;
 - (b) Official transcript sent directly to the Board from the college or university and supporting documentation as necessary showing education requirements have been met;
 - (c) Documentation to prove experience requirements have been met or request for registration as an associate with a proposed plan to obtain required experience;
 - (d) Verification that approved examination has been passed, or state examination is being requested (if applicable);
 - (e) Proposed professional disclosure statement for review and approval;
 - (f) Criminal history information as specified in OAR 833-120-0021; and
 - (g) Other clarifying information requested by the Board.
- (3) Applicants will be allowed one year from Board receipt of an application to file a completed application which documents that the applicant meets the educational requirements and experience qualifications (if applicable) for licensure.
- (4) Failure to withdraw the application or complete the process within the allowed time will result in closure of the file. An incomplete application includes but is not limited to an application in which:
 - (a) Required information or original signatures are not provided;
 - (b) Required forms are not submitted; or
 - (c) No fee or an insufficient fee is received.
- (5) The Board retains the right to extend the one year period to complete application for good cause.
- (6) Applicants who submit complete documentation but are not approved for registration, examination, or licensure will be notified in writing that the application is being denied and state the reason(s) for denial.
- (7) To be reconsidered for licensure, applicants who failed to become licensed, who were refused licensure, who withdrew from consideration, or associates who have allowed their registration to expire will be required to file a new application, fee, and resubmit all documentation necessary to meet the standards for licensure in effect at the time of reapplication. Applicants reapplying must fulfill any deficiencies that are the result of changes to requirements that may have been implemented between former and current application.
- (8) An applicant must notify the Board immediately, but not less than within 30 days, if any information submitted on the application changes, including but not limited to: name, address, email address, telephone number, complaints, disciplinary actions, litigation, criminal involvement, and employment investigations which results in disciplinary action. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-020-0021

REPEAL: Temporary 833-020-0021 from BLPCT 3-2021

RULE TITLE: Methods of Application

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) Applications for licensure must indicate one of the following:

(a) Associate registration method pursuant to OAR 833 Division 50;

(b) Direct method pursuant to OAR 833-020-0041;

(c) Reciprocity method pursuant to OAR 833-020-0051;

(d) Re-licensure method pursuant to OAR 833-020-0061; or

(e) Reapplication method pursuant to OAR 833-020-0071.

(2) Applicants may request permission to change their method of application or license requested without re-application if they do so within the year allowed to complete application.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-020-0081

RULE TITLE: Examination

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) All applicants must pass a competency exam and an Oregon law and rules exam approved by the Board.
- (2) Applicants who have passed the competency exam within 10 years prior to applying for licensure are not required to retake the exam.
- (3) Applicants applying by the reciprocity method who have passed the competency exam 10 years or more prior to applying for licensure in Oregon must:
 - (a) Retake the exam; or
 - (b) Document completion of continuing education activities which at minimum meet the requirements described in OAR chapter 833, division 80 within the 24 month period prior to application or initial licensure.
- (4) In lieu of exam verification, applicants applying by the reciprocity method who have maintained a comparable license in another jurisdiction for at least two years may complete continuing education in accordance with section (3)(b) of this rule to satisfy the competency exam requirement.
- (5) For registered associates who have met the experience requirements for licensure, the following will result in denial of the application for licensure and termination of associate registration:
 - (a) Failure to register and attempt to pass the competency examination at least once per year;
 - (b) Failure to pass the competency exam within two years of meeting the experience requirements; or
 - (c) Failure to achieve a passing score on the competency examination after taking the exam three times.
- (6) For direct and reciprocity method applicants, the following will result in denial of the application for licensure:
 - (a) Failure to document passage of an acceptable competency examination or failure to register and attempt to pass the competency examination at least once per year;
 - (b) Failure to document passage or to pass the competency exam within two years of application; or
 - (c) Failure to achieve a passing score on the competency examination after taking the exam three times.
- (7) The Board will not review a reapplication until at least one year has elapsed from the date of the previous denial. For former registered associates, the Board will only approve a subsequent reapplication under the direct or reciprocity method.
- (8) The Board may extend the deadline to take an exam for good cause upon written request of the applicant, which must be received or postmarked prior to the exam deadline.
- (9) Special Accommodations. Requests for special accommodations for a disability or for English as a second language must be made at the time the written request to sit for the examination is made, or when the disability becomes known to the applicant. The request must include:
 - (a) Disability. Written verification of the disability from a qualified care provider (i.e. a person certified or licensed by the state to provide such services) detailing:
 - (A) Nature, extent and duration of disability; and
 - (B) Recommendation(s) for accommodation.
 - (b) English as a Second Language. Written request for reasonable accommodation detailing:
 - (A) Level of proficiency in English including, but not limited to, number of years speaking and/or writing English;
 - (B) History of special accommodations granted in similar testing circumstances;
 - (C) Other information to support request for special accommodation; and
 - (D) Recommendation(s) for accommodation.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-030-0021

RULE TITLE: Experience Requirements for Licensure as a Professional Counselor

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) To qualify for licensure as a professional counselor under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical counseling experience.
- (2) To qualify for licensure through the associate registration method, supervised clinical experience must meet the requirements of OAR chapter 833, divisions 50 and 130.
- (3) To qualify for licensure through direct or reciprocity method, supervised clinical experience must have consisted of no less than 2,400 supervised direct client contact hours of counseling. The supervised clinical counseling experience must have included any combination of the following:
 - (a) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;
 - (b) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;
 - (c) Experience completed while a registered associate (or formerly "registered intern") with the Board; or
 - (d) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.
- (4) For reciprocity method applicants only, five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.
- (5) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who holds a graduate-level state-issued license or registration, as a professional counselor or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or marriage and family therapist.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-040-0021

RULE TITLE: Experience Requirements for Licensure as a Marriage and Family Therapist

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical experience.

(2) To qualify for licensure through the associate registration method, supervised clinical experience must meet the requirements of OAR chapter 833, divisions 50 and 130.

(3) To qualify for licensure through direct or reciprocity method, supervised clinical experience must have:

(a) For those that apply to become a licensed marriage and family therapist before January 2, 2014, consisted of no less than 2,000 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.

(b) For those who apply to become a licensed marriage and family therapist on or after January 2, 2014, consisted of no less than 2,400 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.

(c) Included any combination of the following:

(A) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;

(B) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;

(C) Experience completed while a registered associate (or formerly "registered intern") with the Board; or

(D) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.

(4) For reciprocity method applicants only, five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.

(5) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who is trained specifically in the systemic approach to couples and family therapy and holds a graduate-level state-issued license or registration, as a marriage and family therapist or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or professional counselor.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0011

REPEAL: Temporary 833-050-0011 from BLPCT 3-2021

RULE TITLE: Associate Registration Method

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

The associate registration method is required for applicants who seek acceptance of post-degree supervised clinical experience completed in Oregon after June 30, 2002. The associate registration method requires applicant to obtain Board approval of an associate registration plan for completing required supervised direct client contact.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0021

REPEAL: Temporary 833-050-0021 from BLPCT 3-2021

RULE TITLE: Application for Associate Registration

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) An applicant for registration must:

- (a) Meet all registration requirements in effect at the time the application is submitted;
- (b) Request registration on Board approved forms;
- (c) Submit a professional disclosure statement for board approval as part of his or her application;
- (d) Submit an application fee as specified in OAR 833-070-0011;
- (e) Meet the educational requirements for licensure according to OAR 833-030-0011 (Professional Counselor Associate) and/or 833-040-0011 (Marriage and Family Therapy Associate);
- (f) Agree to complete supervised clinical experience hours to meet the total number of hours required for licensure; and
- (g) Abide by the Board's laws and rules.

(2) Applicants for professional counselor and marriage and family therapist must pay a fee for each license.

(3) Associate registration status is a transitional step toward licensure and is not intended as a means to avoid licensure. Applicants approved for registration as an associate will have five years to complete the supervised direct client contact hours necessary for licensure or for examination. Failure to meet the experience requirements for licensure within five years will result in expiration of registration and closure of the application file. The registered associate may petition the Board to allow extension of registration for up to one year beyond the maximum five years if the registered associate can show good cause for such extension.

(4) Former applicants who re-apply may transfer direct client contact hours accrued under a board-approved plan to their new plan.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0031

REPEAL: Temporary 833-050-0031 from BLPCT 3-2021

RULE TITLE: Registered Associate Professional Disclosure Statement

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Registered associates must furnish clients with a copy of a Board-approved professional disclosure statement (PDS) before providing counseling or therapy. When providing disclosure statements via electronic communication, registered associates must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.
- (2) A professional disclosure statement must include the following information about the registered associate:
 - (a) Name, business address and telephone number;
 - (b) Name of the registered associate'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 registered associate 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 registered associate 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 registered associate;
 - (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. Registered associates 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 associate is available on the Board's website: www.oregon.gov/oblpcct."
- (3) The professional disclosure statement must be accessible to people with disabilities.
- (4) Registered associates will assist their clients to understand the information in the professional disclosure statement.
- (5) Whenever a registered associate changes the professional disclosure statement, the new statement must be provided to the Board for approval.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0041

REPEAL: Temporary 833-050-0041 from BLPCT 3-2021

RULE TITLE: Registered Associate Professional Disclosure Statement and Informed Consent Waiver

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

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) The registered associate can satisfy the Board that there is good cause to be exempt from specific requirements; or
- (2) The registered associate is providing crisis response counseling or therapy.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0051

REPEAL: Temporary 833-050-0051 from BLPCT 3-2021

RULE TITLE: Associate Registration Plan

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) Applicants for associate registration must submit an associate registration plan in the form and manner required by the Board.

(2) The associate registration plan must include information to show how supervised clinical experience hours will be accrued and that the activities will meet Board requirements for professional counselor and/or marriage and family therapist. The associate registration plan will include:

(a) Name, addresses, telephone numbers, and email addresses of the parties: registered associate, supervisor(s), and registered associate's employer(s) if applicable;

(b) Description of clinical experience: where counseling/therapy will be performed, where supervision will be provided, activities or services performed by registered associate, and content of supervision;

(c) How the registered associate will meet licensure requirements;

(d) Responsibilities of all parties;

(e) Agreement of the supervisor, administrator of agency or employer of the registered associate, and the registered associate;

(f) Signatures of all parties; and

(g) The fee for supervision, if any. If the supervisor is to be paid for supervision, then payment must be in the form of a per-hour fee.

(3) An approved associate registration plan may cover up to three separate practices, such as private practice and employment by two different, autonomous programs.

(4) To maintain registration, the registered associate must meet the conditions in the approved plan.

(5) The registered associate must carry out the registration plan as approved. Changes to the plan must be approved by the Board.

(6) The Board has discretion to approve or reject a proposed associate registration plan or to rescind a previously approved plan.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0061

REPEAL: Temporary 833-050-0061 from BLPCT 3-2021

RULE TITLE: Effective Dates of Associate Registration

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Initial registration as an associate will be effective when applicant completes the registration process that includes approval of completed request and associate registration plan.
- (2) A registered associate must practice under supervision until all license requirements are met and the license is issued.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0071

REPEAL: Temporary 833-050-0071 from BLPCT 3-2021

RULE TITLE: Direct Client Contact

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) Registered associates must complete at least three years, defined as 36 months, of supervised clinical experience which must include no less than 2,400 hours of supervised direct client contact to qualify for licensure.

(a) Registered associates must complete at least 1,000 of the required 2,400 hours direct client contact while in a Board-approved associate registration plan.

(b) Registered associates may count direct client contact hours acquired outside an associate registration plan only as follows:

(A) Up to one year of full-time supervised clinical experience and 400 direct client contact hours accrued as part of a graduate degree internship;

(B) Post-graduate degree supervised direct client contact hours completed in Oregon prior to June 30, 2002; and

(C) Post-graduate degree supervised direct client contact hours completed in another jurisdiction pursuant to the jurisdiction's laws and rules that meet the direct application method experience requirements.

(2) Applicants for LMFT must accrue 2,400 hours of supervised direct client contact with at least 1,000 of those hours working with couples and families to qualify for licensure.

(3) Applications for dual licensure as professional counselor and marriage and family therapist must meet the requirements for both licenses.

(4) Direct client contact must be face to face with a client or clients and/or contact via electronic communication consistent with OAR 833 division 90.

(5) Registered associates must receive and document supervision for and report all direct client contact hours at places of practice listed as part of their Board-approved plan.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0081

REPEAL: Temporary 833-050-0081 from BLPCT 3-2021

RULE TITLE: Supervision

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Supervision of direct client contact must take place within the same calendar month as the completed direct client contact hours.
- (2) Supervision meetings must take place at least twice per month, and in different weeks.
- (3) Supervision meetings must be no less than one hour.
- (4) Supervision each month must total at least:
 - (a) Two (2) hours for months in which 45 or fewer hours of direct client contact are completed; or
 - (b) Three (3) hours for months in which 46 or more hours of direct client contact are completed.
- (5) Monthly supervision must be conducted:
 - (a) In-person in a professional setting; or
 - (b) Through live, synchronous confidential electronic communications.
- (6) At least 50% of the required number of monthly supervision hours must be one-on-one individual supervision.
- (7) Group supervision must meet the following requirements at each meeting.
 - (a) Include no more than six (6) supervisees;
 - (b) Have leadership that does not shift from one supervisor to another; and
 - (c) Not be a staff or team meeting, intensive training seminar, discussion group, consultation session, or quality assurance or review group.
- (8) If in any month a registered associate does not receive the minimum supervision hours required, no client contact hours shall be credited for that month.
- (9) An approved plan for a single practice, such as private practice or employment by one agency offering services at one or more sites, may have no more than two supervisors at any given time.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0091

REPEAL: Temporary 833-050-0091 from BLPCT 3-2021

RULE TITLE: Supervisor's Responsibilities

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(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 registered associate refer clients to other therapists when client needs are outside the registered associate'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 registered associate 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 registered associate has or had a personal relationship.
 - (h) Meet registered associate supervisor qualifications as required in OAR chapter 833, division 130.
 - (i) Submit a written evaluation of the registered associate's skills and progress every six months and at the conclusion of the plan. The report must include progress toward completion of the registered associate'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 registered associate'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 associates:
- (a) Identify a new supervisor to work with the registered associate;
 - (b) Require an assessment of the registered associate's mental and/or physical health;
 - (c) Require the registered associate to seek personal therapy;
 - (d) Extend the associate registration;
 - (e) Require additional training for the registered associate;
 - (f) Place associate registration on hold; or
 - (g) Deny the registered associate a license.
- (4) A supervisor provides supervision only when the supervisor's professional competence is sufficient to meet the needs of the trainee or registered associate. A supervisor does not permit a trainee or registered associate under the supervisor's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or registered associate's level of training and accepts responsibility for the effects of the actions of the trainee or registered associate of which they should be aware.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0111

REPEAL: Temporary 833-050-0111 from BLPCT 3-2021

RULE TITLE: Registered Associate's Responsibilities

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) The registered associate must:

(a) Indicate registration and use the title "Registered Associate", "Professional Counselor Associate", or "Marriage and Family Therapist Associate" in connection with a practice that is covered by an approved plan. All signed materials, letterhead, business cards, advertisements and directory listings, brochures, and any other representation must include the registered associate's appropriate title and the supervisor's name and designation as "supervisor".

(b) Take steps to ensure consistency in supervision throughout the associate registration.

(c) Provide the supervisor with a periodic evaluation of all cases and counseling or therapy activities in which the registered associate is engaged.

(d) Request approval from the Board to change supervisors more than three times during the associate registration plan period, and provide steps taken to ensure consistency when changing supervisors.

(e) Submit to the Board reports that include the hours of direct client contact accrued by month for the six-month period.

(A) Reports of direct client contact hours and supervisor evaluation are due in the month following each six-month reporting period.

(B) If the Board receives the report after the due date, all hours submitted in the report will be denied.

(C) The Board may consider exceptions to this rule with documentation of extraordinary circumstances.

(f) Notify the Board within 14 days and explain any interruptions or proposed termination of supervision or employment.

(2) The registered associate must submit a written request on a board approved form to the Board in order to change the associate registration plan. Approval of the following changes to the plan are required:

(a) Supervision;

(b) Employment;

(c) Practice locations; and

(d) Supervisor(s).

(3) A registered associate who files a request to change the associate registration plan must meet Board requirements in place at the time of the change request.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0131

REPEAL: Temporary 833-050-0131 from BLPCT 3-2021

RULE TITLE: Associate Registration Renewal

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) An registered associate must renew registration annually each year following initial registration. Annual renewal is due by the first day of the month of initial registration to be considered timely.
- (2) Registration renewal requires the registered associate to provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms, and an updated Professional Disclosure Statement if there have been changes.
- (3) Late Renewal. A registered associate may renew a registration after the first day of the month but within the renewal month by, in addition to completing the requirement in section (2) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the associate registration will be expired. Expired registered associates must reapply pursuant to OAR 833-020-0071 in order to practice as a registered associate or be considered for licensure.
- (4) Renewal may be denied if any of the conditions of the plan are not being met.
- (5) Registered associates must renew registration annually until being granted a license or the expiration or denial of associate registration.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0141

REPEAL: Temporary 833-050-0141 from BLPCT 3-2021

RULE TITLE: Placing Registration on Hold

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Registered associates may request to place associate registration on hold for up to 90 days by submitting a written request to the board with explanation of need for being on hold.
- (2) Registered associates must notify the Board within 10 days, in writing, of a plan to return to practice.
- (3) If after 90 days, the registered associate does not submit a plan to return to practice, the associate registration will expire.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0151

REPEAL: Temporary 833-050-0151 from BLPCT 3-2021

RULE TITLE: Termination of Associate Registration Plan

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

A registered associate may voluntarily resign registration. A resigned registration will constitute withdrawal of application for licensure.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0161

REPEAL: Temporary 833-050-0161 from BLPCT 3-2021

RULE TITLE: Current Information to Board

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) All registered associates must provide current contact information to the Board, including:

(a) Physical residence address and post office box, if applicable;

(b) Electronic mail address;

(c) Home and work telephone numbers; and

(d) An updated, current Professional Disclosure Statement being provided to clients as required above.

(2) Registered associates must inform the Board office in writing of any changes to information within 30 days of the change.

(3) Registered associates must submit a change of name form provided by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-070-0011

REPEAL: Temporary 833-070-0011 from BLPCT 3-2021

RULE TITLE: Fees

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

Fees established by the Board of Licensed Professional Counselors and Therapists are as follows:

- (1) Application for licensure — \$175; applicants are also required to pay the actual cost to the Board to conduct a criminal background check.
- (2) Initial license — \$125.
- (3) Annual renewal of license:
 - (a) Active status license — \$165; or
 - (b) Inactive status license — \$100.
- (4) Restoration fees:
 - (a) Delinquent fee for late renewals — \$50;
 - (b) Reactivation of inactive status license — \$125.
- (5) Examination — Candidates will pay exam and exam administration fees to the prescribed examination providers.
- (6) Duplicate license or certificate of licensure — \$5.
- (7) Verification of licensure or examination scores for applicant or licensee to other licensing or certifying agencies — \$10.
- (8) Annual renewal of associate registration in accordance with OAR 833-050-0131 — \$120.
- (9) Temporary Practice Authorization — \$505.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-075-0050

REPEAL: Temporary 833-075-0050 from BLPCT 3-2021

RULE TITLE: Professional Disclosure Statement

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) To be approved by the Board, the professional disclosure statement (PDS) 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 or person granted a temporary practice authorization 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 or person granted a temporary practice authorization;

(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 and temporary practitioners 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/oblpcct"; and

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

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

When providing disclosure statements via electronic communication, licensees and temporary practitioners must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.

(3) Licensees and persons granted a temporary practice authorization must make a reasonable effort to assist the client to understand the information presented in the disclosure statement.

(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 associate;

- (b) Licensees on inactive status or not practicing professional counseling or marriage and family therapy in Oregon;
- (c) Licensees and temporary practitioners providing crisis response; and
- (d) Licensees and temporary practitioners who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements.
- (6) If the licensee or person granted a temporary practice authorization fails to provide the statement, the licensee or temporary practitioner may not charge the client a fee for services.
- (7) Whenever a licensee or person granted a temporary practice authorization changes a professional disclosure statement, the new statement must be presented to the Board for approval.

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.785, ORS 675.755

AMEND: 833-075-0070

REPEAL: Temporary 833-075-0070 from BLPCT 3-2021

RULE TITLE: Client Records

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) A licensed professional counselor, licensed marriage family therapist, registered associate, or person granted a temporary practice authorization must:
 - (a) Maintain client records for each client for a minimum of seven years from the date of last service;
 - (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, registered associates, and temporary practitioners must disclose to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding.
- (4) Licensees, registered associates, and temporary practitioners do not withhold records under their control that are requested by the client solely because payment has not been received for services.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-075-0080

REPEAL: Temporary 833-075-0080 from BLPCT 3-2021

RULE TITLE: Custodian of Record

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) A licensee, registered associate, or person granted a temporary practice authorization must:

- (a) Arrange for the maintenance of and access to client records that ensure the client's right to confidentiality and access to records in the event of the death or incapacity of the practitioner;
- (b) Register with the Board the name and contact information of a custodian of record that will have case files and can make necessary referrals in the event the practitioner becomes incapacitated or dies; and
- (c) Notify the Board of changes of the custodian of record.

(2) If the practitioner is an employee of an organization, the organization may be named as the custodian of record.

(3) The Board will not release the name of the custodian of record except in the following cases:

- (a) The death or incapacity of the practitioner; or
- (b) When a client is unable to locate the practitioner.

(4) A custodian of record under this rule must be 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.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-080-0011

REPEAL: Temporary 833-080-0011 from BLPCT 3-2021

RULE TITLE: Continuing Education

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

Licensees must complete approved continuing education and report the hours to the Board on even numbered years as a condition of license renewal.

(1) "Reporting period" means the 24-month period between license renewals that occur in even numbered years. For the even numbered years of 2020 and 2022, "reporting period" means the 48-month period between renewals that occur in 2018 and 2022. There is no reporting to occur in the year 2020.

(2) A "clock hour" for continuing education means one hour spent in a program meeting the requirements for continuing education. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an approved program.

(3) Licensees must complete at least 40 continuing education clock hours within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees must complete at least 80 clock hours of continuing education, reported in 2022.

(4) New licensees:

(a) There is no continuing education reporting required for individuals licensed less than 12 months on their first even numbered year renewal date. New licensees whose first reporting period would be in 2020 must report at least 40 clock hours of continuing education in 2022.

(b) Individuals licensed between 12 and 23 months on their first even numbered year renewal date must report at least 20 clock hours of continuing education. New licensees whose first reporting period would be in 2020 must report at least 60 clock hours of continuing education in 2022.

(c) Individuals licensed 24 or more months on their first even numbered year renewal date must report at least 40 clock hours of continuing education. New licensees whose first reporting period would be in 2020 must report at least 80 clock hours of continuing education in 2022.

(5) There is no continuing education reporting required for licensees on or changing to inactive status.

(6) Licensees' continuing education must include six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees must complete at least 12 clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy.

(7) For licensees who supervise registered associates, including all licensees on the Supervisor Registry, licensees' continuing education must include three clock hours of supervision-related training within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees who supervise registered associates and licensees on the Supervisor Registry must complete at least six clock hours of supervision-related training.

(8) Licensees' continuing education must include four clock hours of training in cultural competency within each reporting period. For the reporting period between 2018 and 2022 renewals, licensees must complete at least eight clock hours of training in cultural competency.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-100-0011

REPEAL: Temporary 833-100-0011 from BLPCT 3-2021

RULE TITLE: General Purpose and Scope

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(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 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 associates, persons granted temporary practice authorization, 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 or authorization.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-100-0012

REPEAL: Temporary 833-100-0012 from BLPCT 3-2021

RULE TITLE: Preamble

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

Licensees, registered associates, persons granted temporary practice authorization, 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 person'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.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-100-0021

REPEAL: Temporary 833-100-0021 from BLPCT 3-2021

RULE TITLE: Responsibility

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

Licensees, registered associates, persons granted temporary practice authorization, 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, registered associate, temporary practitioner, or applicant that relates in any way to the licensee, registered associate, temporary practitioner, 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, registered associate, temporary practitioner, or applicant has reason to believe that another licensee, registered associate, temporary practitioner, 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 registered associate's requirement to report the other therapist. However, this does not relieve a licensee or registered associate 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.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-110-0011

REPEAL: Temporary 833-110-0011 from BLPCT 3-2021

RULE TITLE: Response to Complaints

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) The Board will review and accept for consideration a complaint filed by any person, group of persons, or the Board on its own action that is specific as to the conduct upon which the complaint is based. 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.

(2) A complaint that a licensee, registered associate, temporary practitioner, or applicant is incompetent or has committed an act or acts in violation of the law or rules adopted by the Board including the Code of Ethics will be considered a complaint of professional misconduct. A complaint that an unlicensed person has practiced or used a title in violation of ORS 675.825 will be considered a complaint of unlicensed practice.

(3) The Board will make forms available to the public and encourage complainants to use the Board's investigation request form. If a complaint is first made in verbal form, or does not contain information substantially equivalent to the Board's form, then the Board's representative may require the complainant to use the Board's form to initiate an investigation. If the complainant is a client or former client of the respondent, then the complainant should sign a release form allowing the Board and its legal counsel access to records and other materials that are the ethical and legal responsibility of the respondent. Refusal by a complainant to comply with this requirement may result in dismissal of the complaint.

(4) Upon receipt of a valid complaint, a complaint file will be opened. A preliminary investigation or review will be conducted to determine if additional investigation and the assignment of additional investigators is necessary, or whether to file a report with the Board recommending the complaint be dismissed without further action. If additional investigation is deemed necessary, then the subject of the complaint will be notified that he/she is under investigation and provided with general information regarding the allegations being investigated. Notification may request a written response.

(5) Failure to cooperate with Board representatives during an investigation constitutes unprofessional conduct which may subject a licensee, registered associate, temporary practitioner, or applicant to disciplinary action. Cooperation includes:

(a) Submitting client records to the Board's representative, with or without a signed release by the client, for a full investigation of the allegations;

(b) Sending a complete case file to the Board's representative;

(c) Being available for a personal interview with the Board's representative; and

(d) Responding to questions presented by the Board's representative.

(6) The Board may delay approving a licensure application or issuing an associate registration, temporary practice authorization, or license until a complaint has been resolved.

(7) The investigator shall collect evidence and interview witnesses. At the conclusion of the investigation, a report will be filed with the Board in accordance with the timelines and procedures outlined in ORS 676.160–676.180. The report will clearly set forth the issues on which the Board should consider possible action.

(8) The Board will maintain written procedures for handling complaints, which will be available through the Board office.

(9) Complaint and information gathered by investigation into licensee or applicant competency or conduct will be kept confidential in accordance with ORS 676.160–676.180.

(10) Licensees, registered associates, temporary practitioners, and applicants must comply with the terms of all Board Orders and Agreements. Failure to comply constitutes a violation of ORS 675.745(1)(f) and is grounds for disciplinary

action.

(11) Effective until the Governor lifts the Declaration of Emergency Due to Coronavirus (COVID-19) Outbreak in Oregon (Executive Order No. 20-03), licensees and registered associates under a Board order or agreement that includes a term that requires supervision may satisfy that requirement by meeting with their supervisor through live, synchronous confidential electronic communications.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-110-0031

REPEAL: Temporary 833-110-0031 from BLPCT 3-2021

RULE TITLE: Statements to the Board

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) Licensees, registered associates, temporary practitioners, and applicants must not make omissions or false, misleading or deceptive statements on any correspondence or form submitted to the Board.

(2) Licensure or temporary practice authorization applicants and renewing licensees and registered associates must respond completely and truthfully to all of the Board's character and fitness questions. Failure to disclose an arrest or conviction is a violation of ORS 675.825(1)(a) and may result in disciplinary action by the Board.

STATUTORY/OTHER AUTHORITY: ORS 675.705 – 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.745, ORS 675.785, ORS 675.825

AMEND: 833-120-0011

REPEAL: Temporary 833-120-0011 from BLPCT 3-2021

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) The purpose of these rules is to provide for the screening under ORS 181A.195 of licensees, registered associates, and applicants for licensure with the Oregon Board of Licensed Professional Counselors and Therapists to determine if they have a history of criminal behavior such that they would be unable to, or should not be allowed to, perform the services of a Licensed Professional Counselor or Licensed Marriage and Family Therapist.

(2) The following persons ("subject individuals") must take the steps necessary to complete a nationwide criminal history check under ORS 181A.195:

- (a) All applicants for licensure to the Board in accordance with OAR 833 Division 20; and
- (b) A licensee or registered associate who is the subject of inquiry or investigation by the Board.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-120-0021

REPEAL: Temporary 833-120-0021 from BLPCT 3-2021

RULE TITLE: Procedural Requirements

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) To complete a criminal history check, the Board will require each subject individual to:

(a) Provide fingerprints pursuant to ORS 181A.170 (additional fingerprints may be required if the initial fingerprints are rejected);

(b) Provide personal information necessary to obtain the criminal history check pursuant to OAR 125-007-0220; and

(c) Pay to the Board the actual costs charged by the Oregon State Police (OSP) and the Federal Bureau of Investigation (FBI).

(2) The Board may also request, and the applicant, licensee, or registered associate must provide, the following information:

(a) Responses to a criminal history questionnaire; and

(b) Written response to questions by the Board regarding the person's criminal history.

(3) The Board will make a final fitness determination based on criminal offender information and other factors, pursuant to ORS 181A.195(10)(d) and OAR 125-007-0260 to 125-007-0270.

(4) A subject individual may contest an adverse final fitness determination pursuant to OAR 125-007-0300.

(5) If a subject individual refuses to consent to the criminal records check or refuses to be fingerprinted, the Board will deny the licensure application or revoke the license.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-130-0010

REPEAL: Temporary 833-130-0010 from BLPCT 3-2021

RULE TITLE: Registry Established

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

- (1) Effective September 1, 2010, the Board will establish a Supervisor Registry that consists of licensed professional counselors and licensed marriage and family therapists.
- (2) The Board may approve placement of a licensee on the Supervisor Registry if the licensee is a Supervisor Candidate or an Approved Supervisor.
- (3) Registered associates pursuing licensure will be encouraged to find qualified supervisors from the registry.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-130-0040

REPEAL: Temporary 833-130-0040 from BLPCT 3-2021

RULE TITLE: Supervisor Candidates

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) Supervisor Candidates must work toward meeting the requirements of an Approved Supervisor. If after five years as a Supervisor Candidate, the candidate has not met Approved Supervisor requirements, the candidate will be removed from the registry.

(2) To qualify as a Supervisor Candidate, a licensee must meet the following requirements:

(a) Hold an active Oregon license as a professional counselor or as a marriage and family therapist;

(b) Complete 30 clock hours of post-master's degree supervision training;

(c) Successfully pass the Board's law and rules exam; and

(d) For supervisors of marriage and family therapist associates only: supervision training that includes systems components.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-130-0050

REPEAL: Temporary 833-130-0050 from BLPCT 3-2021

RULE TITLE: Approved Supervisors

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) To qualify to supervise registered associates, a licensee who is not on the Supervisor Registry must meet the following requirements:

(a) Meet or have previously met all of the requirements to qualify as a Supervisor Candidate per OAR 833-130-0040; and

(b) Hold an active Oregon license as a professional counselor or marriage and family therapist, and:

(A) Have been actively licensed by the Board for at least 3 years; or

(B) Be an Approved Supervisor through the AAMFT or the NBCC Center for Credentialing and Education.

(2) To qualify as in Approved Supervisor for purposes of placement on the Supervisor Registry, in addition to the requirements of section (1) above, the licensee must:

(a) Document at least 12 hours of supervision by a Board Approved Supervisor within the past 2 to 5 years. The licensee may have up to two Approved Supervisors, and both Approved Supervisors must complete an evaluation. Approved supervision may include one on one or group supervision of not more than 6 supervisees; and

(b) Document a minimum of 100 hours between 2 and 5 years of experience supervising at least two registered associates or student interns from Board-Approved Oregon graduate programs.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-130-0070

REPEAL: Temporary 833-130-0070 from BLPCT 3-2021

RULE TITLE: Supervisors Not on the Registry

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

Other mental health professionals may serve as supervisors of registered associates if they meet the following requirements:

- (1) Hold a current, active license in Oregon as a mental health professional;
- (2) Have been licensed in Oregon as a mental health professional for at least 3 years;
- (3) Complete 30 clock hours of post-master's degree supervision training;
- (4) Successfully pass the Board's law and rules exam; and
- (5) For supervisors of marriage and family therapist associates only: supervision training that includes systems components.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835

AMEND: 833-130-0080

REPEAL: Temporary 833-130-0080 from BLPCT 3-2021

RULE TITLE: Discipline Review Process

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This amendment implements the directive of House Bill 2949 by changing the name of registered "intern" to "associate" and other conforming amendments.

RULE TEXT:

(1) A proposed supervisor must disclose any history of disciplinary action, which must be reviewed by the Board.

(2) A licensee that receives Board disciplinary action subsequent to placement on the Supervisor Registry must discontinue supervision of registered associates pending discipline review by the Board.

(3) During discipline review, the Board will consider:

(a) Type of violation and imposed discipline;

(b) The passage of time since the violation and discipline;

(c) Whether discipline was corrective, punitive or both;

(d) Compliance with imposed discipline;

(e) Results of national health care database search;

(f) Whether behavior resulted in harm to clients;

(g) Previous complaints resulting in discipline;

(h) Results of criminal background check; and

(i) Any other information the Board finds relevant.

(4) At the conclusion of the review, the Board will determine whether to approve or deny:

(a) The licensee or other mental health professional to provide supervision; and/or

(b) The licensee for initial or continued placement on the Supervisor Registry.

STATUTORY/OTHER AUTHORITY: ORS 675.705 - 675.835, 676.150 - 676.405

STATUTES/OTHER IMPLEMENTED: ORS 675.705 - 675.835, 676.150 - 676.405