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## PERMANENT ADMINISTRATIVE ORDER

### BLPCT 2-2018

CHAPTER 833

MENTAL HEALTH REGULATORY AGENCY

OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

**FILED**

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FILING CAPTION: Distance counseling rule revisions following adoption of American Counseling Association Ethics Code.

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#### RULES:

833-050-0031, 833-075-0050, 833-090-0010, 833-090-0020, 833-090-0030, 833-090-0040

AMEND: 833-050-0031

RULE TITLE: Registered Intern Professional Disclosure Statement

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling, and relocates requirements related to licensee and intern professional disclosure statements into Divisions 50 and 75. There are also some minor revisions to improve rule consistency and clarity.

#### RULE TEXT:

- (1) Registered interns 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, interns 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 intern:
  - (a) Name, business address and telephone number;
  - (b) Name of the intern's supervisor(s);
  - (c) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the intern subscribes;
  - (d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;
  - (e) Supervision requirements;
  - (f) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;
  - (g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;
  - (h) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon

licensees have the right:

- (A) To expect that an intern has met the minimum qualifications of training and experience required by state law;
- (B) To examine public records maintained by the Board and to have the Board confirm credentials of an intern;
- (C) To obtain a copy of the Code of Ethics;
- (D) To report complaints to the Board;
- (E) To be informed of the cost of professional services before receiving the services;
- (F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Licensees must include an explanation of each exception to confidentiality;
- (G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.
- (i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and
- (j) A statement indicating the following: "Additional information about this registered intern is available on the Board's website: [www.oregon.gov/obl/pct](http://www.oregon.gov/obl/pct)."
- (3) The professional disclosure statement must be accessible to people with disabilities.
- (4) Registered interns will assist their clients to understand the information in the professional disclosure statement.
- (5) Whenever an intern changes the professional disclosure statement, the new statement must be provided to the Board for approval.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-075-0050

RULE TITLE: Licensee Professional Disclosure Statement

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling, and relocates requirements related to licensee and intern professional disclosure statements into Divisions 50 and 75. There are also some minor revisions to improve rule consistency and clarity.

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 has met the minimum qualifications of training and experience required by state law;

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

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

(D) To report complaints to the Board;

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

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

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

(e) Formal education and training, title of highest relevant degree earned, school granting degree, and major coursework;

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

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

(h) A statement indicating the following: "Additional information about this counselor or therapist is available on the Board's website: [www.oregon.gov/obl/pct](http://www.oregon.gov/obl/pct)"; and

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

(2) Prior to providing services, licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in section (1). When providing disclosure statements via electronic communication, licensees must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.

(3) Licensees 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 intern;

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

(c) Licensees providing crisis response; and

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

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

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

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.755, 675.785

REPEAL: 833-090-0010

RULE TITLE: Technology-Assisted Services

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling.

RULE TEXT:

(1) When providing technology-assisted distance counseling services, licensees must:

(a) Use secure web sites and e-mail communications to help ensure confidentiality;

(b) Determine that technology-assisted services are appropriate, available, and meets the needs of the particular client;  
and

(c) Have a working knowledge of the particular technology used to meet the needs of clients.

(d) Conduct due diligence in confirming the identity of potential clients.

(2) When the use of encryption is not possible, limit electronic transmissions to general communications that are not client specific.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

REPEAL: 833-090-0020

RULE TITLE: Inappropriate Services

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling.

RULE TEXT:

When technology-assisted distance counseling services are deemed inappropriate for any reason by the counselor or client, counselors must ensure that a professional and clinically sound referral is made to counseling resources in the client's geographic area.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

REPEAL: 833-090-0030

RULE TITLE: Laws and Statutes

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling.

RULE TEXT:

Licensees providing Distance Services must ensure that the use of technology is consistent with the Board's laws and rules.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

REPEAL: 833-090-0040

RULE TITLE: Technology and Informed Consent

NOTICE FILED DATE: 04/13/2018

RULE SUMMARY: This amendment repeals OAR Chapter 833, Division 90- Distance Counseling.

RULE TEXT:

(1) Licensees must give all potential clients access to the licensee's Professional Disclosure Statement (PDS) prior to service delivery with a means of confirming receipt and acknowledgement of the PDS.

(2) Licensees must inform clients of the benefits and limitations of distance service delivery, including:

(a) Issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications;

(b) Names of colleagues, supervisors, and employees, such as Informational Technology (IT) administrators, who may have authorized or unauthorized access to electronic transmissions;

(c) The risks of all authorized or unauthorized people who have access to any technology clients may use in the counseling process. This includes family members, friends, acquaintances, and fellow employees;

(d) Limitations governing the practice of the LPC or LMFT profession in the State of Oregon, including that the laws and statutes regarding the practice of professional counseling and marriage and family therapy differ from state-to-state;

(e) Contact information and alternate methods of contact in case of technology failure; and

(f) Emergency procedures for situations when the counselor is not available.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835