

OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

BLPCT 3-2018

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

FILED

08/13/2018 10:03 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Intern registration plans, filing complaints for law or rule violation, and grounds for disciplinary action.

EFFECTIVE DATE: 08/13/2018

AGENCY APPROVED DATE: 08/03/2018

CONTACT: LaRee Felton 3218 Pringle Road SE
503-373-1196 Ste. 120
laree.felton@state.or.us Salem, OR 97302

Filed By:
LaRee Felton
Rules Coordinator

RULES:

833-050-0051, 833-110-0011, 833-110-0031

AMEND: 833-050-0051

RULE TITLE: Intern Registration Plan

NOTICE FILED DATE: 06/11/2018

RULE SUMMARY: This amendment clarifies that the Board has discretion to approve or reject a proposed intern registration plan or to rescind a previously approved plan.

RULE TEXT:

- (1) Applicants for intern registration must submit an intern plan in the form and manner required by the Board.
- (2) The intern 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 intern plan will include:
 - (a) Name, addresses, telephone numbers, and email addresses of the parties: intern, supervisor(s), and intern'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 intern, content of supervision;
 - (c) How the intern will meet licensure requirements;
 - (d) Responsibilities of all parties;
 - (e) Agreement of the supervisor, administrator of agency or employer of the intern, and the intern
 - (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 intern plan may cover up to three separate practices, such as private practice and employment by two different, autonomous programs.
- (4) To maintain registration, the intern must meet the conditions in the approved plan.

(5) The intern 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 intern 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: 833-110-0011

RULE TITLE: Response to Complaints

NOTICE FILED DATE: 06/11/2018

RULE SUMMARY: This amendment sets forth that failure to comply with terms of a Board Order or Agreement constitutes a violation of ORS 675.745(1)(f) and is grounds for disciplinary action.

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 intern or applicant for licensure 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, intern 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 intern registration 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, interns 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.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-110-0031

RULE TITLE: Statements to the Board

NOTICE FILED DATE: 06/11/2018

RULE SUMMARY: This amendment corrects a reference to ORS 675.825(1)(a).

RULE TEXT:

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

(2) Licensure applicants and renewing licensees and interns 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. The Board will not approve an application until the applicant has paid any civil penalty ordered by the Board.

STATUTORY/OTHER AUTHORITY: ORS 675.705 – 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.745, 675.785, 675.825