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PERMANENT ADMINISTRATIVE ORDER

BLPCT 2-2022

CHAPTER 833

MENTAL HEALTH REGULATORY AGENCY

OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

FILED

02/07/2022 2:55 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Compliance with the Oregon Health Authority's COVID-19 requirements; AG model rule adoption.

EFFECTIVE DATE: 02/07/2022

AGENCY APPROVED DATE: 02/04/2022

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RULES:

833-001-0005, 833-110-0042

AMEND: 833-001-0005

RULE TITLE: Model Rules of Procedure

NOTICE FILED DATE: 12/09/2021

RULE SUMMARY: This amendment clarifies the Board's adoption by reference to the Attorney General's (AG) Model Rules, which includes the Department of Justice's OAR Chapter 137 Divisions 1-5.

RULE TEXT:

The Board adopts the Attorney General's Model Rules of Procedure, OAR Chapter 137, Divisions 1 through 5, as its rules of procedure under the Administrative Procedures Act.

STATUTORY/OTHER AUTHORITY: ORS 675.785, ORS 36.224, ORS 183.341, ORS 183.502

STATUTES/OTHER IMPLEMENTED: ORS 183.341

ADOPT: 833-110-0042

RULE TITLE: Compliance with the Oregon Health Authority's COVID-19 Requirements

NOTICE FILED DATE: 12/09/2021

RULE SUMMARY: This new rule sets forth that failure to comply with any applicable provision of an Oregon Health Authority COVID-19-related rule constitutes gross negligence. Violations are subject to Board sanction.

RULE TEXT:

(1) The Oregon Health Authority (OHA) has adopted certain rules to control the communicable disease COVID-19. Gross negligence includes failing to comply with any applicable provision of an OHA COVID-19-related rule or any provision of this rule.

(2) Failing to comply as described in subsection (1) includes, but is not limited to:

(a) Failing to comply with OHA's rules requiring masks, face coverings or face shields, including OAR 333-019-1011, OAR 333-019-1015, and OAR 333-019-1025, if applicable; and

(b) Failing to comply with OHA's rules requiring vaccinations, including OAR 333-019-1010 and OAR 333-019-1030.

(3) No disciplinary action or penalty action shall be taken under this rule if the rule alleged to have been violated is not in effect at the time of the alleged violation.

(4) The Board may impose sanctions for violations of this rule in accordance with ORS 675.745.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.745, ORS 675.785