



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

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

FILED

04/09/2025 5:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Creates new rule to set optional Board member compensation equal to ORS 171.072(9).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: LaRee Stashek
503-373-1196
laree.stashek@mhra.oregon.gov

3218 Pringle Road SE, Ste. 120
Salem, OR 97302

Filed By:
LaRee Stashek
Rules Coordinator

NEED FOR THE RULE(S)

House Bill 2992 (2021) added a requirement for state boards and commissions to pay specific compensation and expenses to certain members boards. The Board determined to apply this across the board for consistency and equity.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR Chapter 833 and ORS Chapter 675 are available on the OBLPCT website at <https://www.oregon.gov/OBLPCT/Pages/LawsRules.aspx>. House Bill 2992 is available on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2992>. ORS 171.072 is available on the Oregon State Legislature website at [https://www.oregonlegislature.gov/bills_laws/ors/ors171.html#:~:text=Salaries%20and%20Expenses\)-,171.072%20Salary](https://www.oregonlegislature.gov/bills_laws/ors/ors171.html#:~:text=Salaries%20and%20Expenses)-,171.072%20Salary).

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule adoption promotes equity in compensation of all Board members and therefore is expected to have a positive effect on racial equity in the state. Expanding Board member per diem may help increase the pool of candidates considering Board service, especially public members, who generally must take time off work to serve in their public service role on the Board. Also, setting forth clear rules ensures that everyone can understand them, and reduces the likelihood of misinterpretation or exclusion.

FISCAL AND ECONOMIC IMPACT:

All Board members will be eligible for compensation under ORS 292.495.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None. Businesses are not subject to this rule. The Board will absorb any minimal costs required to implement these changes within its current staffing levels and budgeted resources. Ongoing expenditure limitation to implement HB 2992 for all members was already budgeted by the Board in 2021-23.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not explicitly involved.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rule adoption was openly discussed during the April 4, 2025 public session board meeting where members of the public were invited to address the Board during a public forum. The changes are largely based on legislation. The Board did not determine that an additional committee beyond the eight-member Board and its staff was necessary to develop the rules.

ADOPT: 833-001-0030

RULE SUMMARY: Creates new rule to set Board member compensation equal to ORS 171.072(9) for performance of official duties, which is in addition to other allowable reimbursement for travel or other expenses. Allows members to decline compensation or reimbursement of expenses.

CHANGES TO RULE:

833-001-0030

Board Member Compensation

(1) Board members shall receive compensation that is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072(9) each day or portion thereof where the member is engaged in the performance of official duties, which includes Board and committee meetings and activities that the Board or Executive Director has pre-approved or requested.¶

(2) Compensation provided under Section (1) shall be in addition to the allowable reimbursement for travel or other expenses.¶

(3) Board members may decline to accept compensation or reimbursement of expenses.

Statutory/Other Authority: ORS 675.715 - 675.835, ORS 292.495

Statutes/Other Implemented: ORS 292.495, ORS 171.072, ORS 675.775(4)