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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
04/09/2026 11:32 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Update terms, accuracy in representations to the Board, applications, examination failure and study plan.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2026 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.

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Filed By:
LaRee Stashek
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/21/2026

TIME: 9:00 AM - 11:00 AM

OFFICER: LaRee Stashek

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-444-9171

CONFERENCE ID: 81560891781

SPECIAL INSTRUCTIONS:

Passcode: 858108

NEED FOR THE RULE(S)

The Board determined that the rules describing the “direct” and “associate registration” application methods needed clarification to ensure applicants can easily identify and navigate the correct path for their specific situation. It is considering replacing the mandatory one-year wait period following a third exam failure with a requirement for a formal study plan. This shift addresses concerns that prohibiting supervised practice for a year is counterproductive to professional development. The study plan ensures candidates remain actively engaged in competency-building before retaking the exam. The Board wishes to make it clear that application misrepresentations are unacceptable, and that applicants themselves (rather than third parties) must supply responses and are responsible for the accuracy and completeness of information submitted to the Board. Because any compromise to the integrity of the licensure process undermines the Board’s public protection mandate, these rules explicitly state that misrepresentations will not be tolerated. It is crucial to apply consistent and equitable standards, promote accessibility, and ensure the rules are clearly articulated so that applicants understand what is needed for licensure.

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>.

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

This rule amendment may have a positive effect on racial equity in the state because clarifying the rules that set forth the application methods ensures that requirements are easy for everyone to understand and reduces the likelihood of misinterpretation or exclusion due to vague standards. By replacing the rigid one-year mandatory wait period following a third examination failure with a personalized remedial study plan, the rule allows candidates to demonstrate competency through active professional development rather than enforced inactivity. Allowing additional exam attempts promotes accessibility by supporting counselors and therapists that may be in later phases of life, are balancing family obligations, come from disadvantaged socioeconomic backgrounds, and/or have alternative learning styles. By emphasizing personal responsibility for application accuracy, the Board ensures a fair and consistent standard is applied to every applicant, protecting the integrity of the process for all Oregonians.

FISCAL AND ECONOMIC IMPACT:

None.

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.

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 considered during the April 3, 2026 public session full Board meeting where members of the public were invited to address the Board during a public forum. The rule language and concepts are straightforward. The Board did not determine that an additional committee beyond the Board members and Agency staff were necessary to craft the rulemaking proposal.

RULES PROPOSED:

833-020-0041, 833-020-0081, 833-050-0011, 833-110-0031

AMEND: 833-020-0041

RULE SUMMARY: Clarifies requirements for direct method application.

CHANGES TO RULE:

833-020-0041
Direct Method ¶

(1) The direct method is required for applicants who ~~seek acceptance of~~ have completed the supervised clinical experience completed in another jurisdiction or in Oregon before June 30, 2002 requirements set forth in OAR 833-030-0021 for LPC or OAR 833-040-0021 for LMFT.¶

(2) The direct method requires the applicant to document no less than the total minimum number of supervised clinical experience hours required for licensure, all of which must have been completed prior to the date of application for licensure.¶

(3) Applicants seeking licensure as a professional counselor must meet the requirements specified in OAR 833, division 30.¶

(4) Applicants seeking licensure as a marriage and family therapist must meet the requirements specified in OAR 833, division 40.

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 SUMMARY: Removes automatic license denial and one-year wait period for licensure candidates that fail the competency examination for a third time, and adds provision for study plan after second failure.

CHANGES TO RULE:

833-020-0081

Examination ¶

- (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) ~~Failure~~Re-examination. Any candidate who fails to achieve a passing score on the competency examination after taking the exam three times will result in denial of the application for licensure, and if applicable, termination of associate registration.¶
- (6) ~~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 shall be allowed to retake the examination a second time. If the examination is failed a second time, the Board may require the candidate to submit a written study plan for approval prior to each subsequent re-examination.~~¶
- (7) ~~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~~Language Learners. 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: 833-050-0011

RULE SUMMARY: Clarifies requirements for associate registration method application.

CHANGES TO RULE:

833-050-0011

Associate Registration Method ¶¶

The associate registration method is required for applicants who ~~seek acceptance of~~ have not yet met the post-degree supervised clinical experience completed in Oregon after June 30, 2002 requirements set forth in OAR 833-030-0021 for LPC or OAR 833-040-0021 for LMFT. The associate registration method requires applicants 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: 833-110-0031

RULE SUMMARY: Prohibits licensees, residents, temporary practitioners, and applicants from making misrepresentations to the Board or allowing third parties to submit responses to Board forms on their behalf. Sets forth that failure to comply violates statute and may be grounds for sanction.

CHANGES TO RULE:

833-110-0031

~~Statement~~ Representations to the Board ¶

~~(1) Policy. To carry out its public protection mandate, the Board must ensure the accuracy, integrity, and authenticity of its processes and the information it receives and relies upon to make decisions. This rule applies to all licensees, registered associates, temporary practitioners, and applicants (collectively, "subjects").~~ ¶

~~(2) Subjects must not make omissions or false, misleading or deceptive statements on any correspondence or form submitted to the Board.~~ ¶

~~(23) Licensure, limited permit, or temporary~~ Subjects must not authorize, direct, or permit any third party to submit substantive authorization responses to any Board form, including applications and renewing licensees and registered associates must respond completely and truthfully to all questions, on behalf of the subject. ¶

~~(4) Subjects must personally provide accurate and complete responses to all questions required by the Board, including but not limited to character and fitness disclosures, criminal history information, history of education and supervised clinical experience, attestations, and certifications.~~ ¶

~~(5) Nothing in this rule precludes a subject from receiving limited clerical or technical assistance, including translation services, reasonable accommodations for disability, or independent legal advice, provided that the subject personally determines and supplies all responses.~~ ¶

~~(6) Failure to comply with any provision of this rule, or misrepresentation or conviction in compliance, constitutes a violation of ORS 675.825(1)(a) and may result in be grounds for 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~~