



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: 06/09/2026 12:58 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Associate registration plans, registrant remedial action, duplicate licenses, continuing education, and records retention

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/22/2026 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.

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.

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NEED FOR THE RULE(S):

The Board is proposing these administrative amendments to optimize regulatory efficiency, resolve statutory conflicts, and strengthen public protection. A comprehensive review of Divisions 50 and 80 revealed that several sections require restructuring and modernization to improve clarity and compliance. The Board proposes repealing OAR 833-075-0040 to reflect current administrative operations, as paper licenses are no longer issued. To ensure legal alignment, the Board must establish an exception to the standard seven-year client records retention period, thereby preventing conflicts with overriding state and federal mandates.

Updates to continuing education (CE) frameworks are necessary to protect the integrity of the licensing process. The Board requires clearer definitions and explicit criteria regarding qualifying CE activities, documentation standards, and audit procedures. This includes implementing a 20-clock-hour limit on independent, asynchronous learning to ensure that home-study formats effectively support professional competence. By clearly articulating non-qualifying activities,

reporting periods, verification processes, and late-response penalties, these amendments establish consistent, equitable, and transparent standards. Ultimately, these updates uphold the Board’s public protection mandate while ensuring licensees and registrants can easily understand and navigate their maintenance requirements.

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 proposed rulemaking may have a positive effect on racial equity in the state because clarifying the rules that set forth licensure requirements and processes ensures that requirements are easy for everyone to understand and reduces the likelihood of misinterpretation or exclusion due to vague standards. Clearly defining qualifying continuing education activities, explicit audit timelines, and specific late penalties helps the Board to establish objective, consistent, standardized criteria. Restructuring rules for maximum clarity ensures that all licensees and registrants—regardless of background or institutional support—can easily identify compliance pathways, successfully prove program completion, and maintain their licensure/registration without facing unexpected administrative penalties.

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 continuing education rule amendments were developed over seven public meetings of the Board’s Education, Diversity, Equity, and Inclusion Committee, and the proposed rulemaking was considered during the June 5, 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:

833-050-0051, 833-050-0061, 833-050-0091, 833-050-0111, 833-075-0040, 833-075-0070, 833-080-0011, 833-080-0031, 833-080-0041, 833-080-0051, 833-080-0061

AMEND: 833-050-0051

RULE SUMMARY: Relocate and clarify registration effective date language from OAR 833-050-0061.

CHANGES TO RULE:

833-050-0051

Associate Registration Plan ¶¶

- (1) Applicants for associate registration must submit an associate registration plan in the form and manner required by the Board.¶¶
- (2) The associate registration 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 associate registration plan ~~plan~~ will include:¶¶
 - (a) Name, addresses, telephone numbers, and email addresses of the parties: registered associate, supervisor(s), and registered associate'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 registered associate, and content of supervision;¶¶
 - (c) How the registered associate will meet licensure requirements;¶¶
 - (d) Responsibilities of all parties;¶¶
 - (e) Agreement of the supervisor, administrator of agency or employer of the registered associate, and the registered associate;¶¶
 - (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 associate registration plan may cover up to three separate practices, such as private practice and employment by two different, autonomous programs.¶¶
- (4) An initial associate registration plan becomes effective on Board approval.¶¶
- (5) To maintain registration, the registered associate must meet the conditions in the approved plan.¶¶
- ~~(5)~~ (6) The registered associate must carry out the registration plan as approved. Changes to the plan must be approved by the Board.¶¶
- ~~(6)~~ (7) The Board has discretion to approve or reject a proposed associate registration plan or to rescind a previously approved plan.¶¶
- (8) A registered associate must practice under supervision until all license requirements are met and the license is issued.

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS 675.785-15, 675.720, 675.745, 675.7835

AMEND: 833-050-0061

RULE SUMMARY: Repurpose rule to cover Board remedial action currently located under OAR 833-050-0091 with changes to correspond with Board authority and practice.

CHANGES TO RULE:

833-050-0061

Effective Dates of Associate Registrar Remedial Action ¶¶

~~(1) Initial registration as an associate will be effective when applicant completes the registration process that includes approval of completed request and associate registration plan. The Board may take any or all of the following actions to address concerns about a registered associates:¶¶~~

~~(1) Identify a new supervisor to work with the registrant;¶¶~~

~~(2) Extend the associate registration required duration and/or number of supervised clock hours;¶¶~~

~~(3) Require additional supervision or training for the registrant;¶¶~~

~~(24) A Reject registered associate must practice under supervision until all license requirement duration or clock hours that were not accrued in accordance with this Division or were evaluated unsatisfactorily by the registrant's are met and the license is issued supervisor;¶¶~~

~~(5) Place the associate registration on hold; or¶¶~~

~~(6) Deny the registered associate a license.~~

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS ~~675.785 - 15, 675.720, 675.745, 675.7835~~

AMEND: 833-050-0091

RULE SUMMARY: Clarifies supervisor responsibilities and relocates remedial language to OAR 833-050-0061.

CHANGES TO RULE:

833-050-0091

Supervisors Responsibilities ¶¶

(1) The supervisor must:¶¶

(a) Review and evaluate appropriateness of client population and caseload, individual charts, case records and management, diagnostic evaluation and treatment planning, and methodologies for keeping client confidentiality.¶¶

(b) Recommend that the registered associate refer clients to other therapists when client needs are outside the registered associate's scope of practice.¶¶

(c) Ensure that letterhead, business cards, advertisements and directory listings, brochures, and any other representation includes the appropriate title as described in OAR 833-050-0111(1)(a) and the supervisor's name and designation as "supervisor."¶¶

(d) Assist the registered associate in developing a plan to prepare for and complete the ~~competency exam~~licensure examinations in a timely manner.¶¶

(e) Notify the Board within 14 days and explain any significant interruption to supervision or expected termination of the supervisory relationship.¶¶

(f) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request.¶¶

(g) Be someone other than a spouse or relative by blood or marriage or a person with whom the registered associate has or had a personal relationship.¶¶

(h) Meet registered associate supervisor qualifications as required in OAR chapter 833, division 130.¶¶

(i) Provide a written evaluation of the registered associate's skills and progress annually and at the conclusion of the plan in a form and manner prescribed by the Board. The report must include progress toward completion of the registered associate's plan. Supervisors may report to the Board at any time deemed necessary.¶¶

(2) If a supervisor has professional or ethical concerns about a supervisee, the supervisor must promptly notify the Board and provide the following information:¶¶

(a) Specific concerns regarding conduct or performance;¶¶

(b) Steps taken to address the concerns;¶¶

(c) A remedial action plan with measurable outcomes to address the concerns; and¶¶

(d) The registered associate's progress to address the concerns expressed by the supervisor.¶¶

(3) ~~The Board may take any or all of the following actions to address concerns about registered associates:¶¶~~

~~(a) Identify a new supervisor to work with the registered associate;¶¶~~

~~(b) Require an assessment of the registered associate's mental and/or physical health;¶¶~~

~~(c) Require the registered associate to seek personal therapy;¶¶~~

~~(d) Extend the associate registration;¶¶~~

~~(e) Require additional training for the registered associate;¶¶~~

~~(f) Place associate registration on hold; or¶¶~~

~~(g) Deny the registered associate a license.¶¶~~

(4) A supervisor provides supervision only when the supervisor's professional competence is sufficient to meet the needs of the trainee or registered associate. A supervisor does not permit a trainee or registered associate under the supervisor's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or registered associate's level of skill and training and accepts responsibility for the effects of the actions of the trainee or registered associate of which they should be aware.

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS 675.785 - 15, 675.720, 675.7835

AMEND: 833-050-0111

RULE SUMMARY: Remove provision requiring special permission for multiple supervisor change.

CHANGES TO RULE:

833-050-0111

Registered Associates Responsibilities ¶

(1) The registered associate must:¶

(a) Indicate registration and use the title "Registered Associate", "Professional Counselor Associate", or "Marriage and Family Therapist Associate" in connection with a practice that is covered by an approved plan. All signed materials, letterhead, business cards, advertisements and directory listings, brochures, and any other representation must include the registered associate's appropriate title and the supervisor's name and designation as "supervisor".¶

(b) Take steps to ensure consistency in supervision throughout the associate registration.¶

(c) Provide the supervisor with a periodic evaluation of all cases and counseling or therapy activities in which the registered associate is engaged.¶

~~(d) Request approval from the Board to change supervisors more than three times during the associate registration plan period, and provide steps taken to ensure consistency when changing supervisors.¶~~

~~(e)~~ Submit supervision reports annually and at the conclusion of supervision that include the supervisor's evaluation and the hours of direct client contact accrued by month in a form and manner prescribed by the Board.¶

~~(fe)~~ Notify the Board within 14 days and explain any interruptions or proposed termination of supervision or employment.¶

(2) The registered associate must submit a written request on a board approved form to the Board in order to change the associate registration plan. Approval of the following changes to the plan are required:¶

(a) Supervision;¶

(b) Employment;¶

(c) Practice locations; and¶

(d) Supervisor(s).¶

(3) A registered associate who files a request to change the associate registration plan must meet Board requirements in place at the time of the change request.

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS 675.785 - 15.675.720, 675.7835

REPEAL: 833-075-0040

RULE SUMMARY: Repeals an obsolete procedure for license duplication.

CHANGES TO RULE:

~~833-075-0040~~

~~Duplicate Licenses~~

~~(1) Duplicate licenses or certificates may be obtained by:~~

~~(a) Certifying, by signed statement, that the current license or certificate has been lost or destroyed; or~~

~~(b) Requesting a duplicate for additional place(s) of business;~~

~~(c) In either case, payment of the required fee.~~

~~(2) Reproduction of a license or certificate by anyone other than Board staff for use as a license document or for display is prohibited.~~

~~Statutory/Other Authority: ORS 675.785—675.835~~

~~Statutes/Other Implemented: ORS 675.785—675.835~~

AMEND: 833-075-0070

RULE SUMMARY: Creates exception for seven-year client records maintenance requirement when state or federal law requires a different retention period.

CHANGES TO RULE:

833-075-0070

Client Records ¶

(1) A licensed professional counselor, licensed marriage family therapist, registered associate, or person granted a limited permit or temporary practice authorization must:¶

(a) ~~¶Unless otherwise required by state or federal law, maintain client records for each client for a minimum of seven years from the date of last service;¶~~

(b) Ensure that client records are legible;¶

(c) Keep records in a secure, safe, and retrievable condition; and¶

(d) Notify the Board if client records have been destroyed or lost.¶

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:¶

(a) A formal or informal assessment of the client;¶

(b) Counseling goals or objectives; and¶

(c) Progress notes of therapy or counseling sessions.¶

(3) Licensees, registered associates, and temporary practitioners must disclose to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding.¶

(4) Licensees, registered associates, and temporary practitioners do not withhold records under their control that are requested by the client solely because payment has not been received for services.¶

(5) The seven-year retention period described in section (1)(a) is calculated from the last date of service rendered by the treatment provider, regardless of whether the record holder is the provider or the custodian of record who is maintaining the record pursuant to OAR 833-75-0080.

Statutory/Other Authority: ORS 675.705 - 675.835

Statutes/Other Implemented: ORS 675.705 - 675.835

AMEND: 833-080-0011

RULE SUMMARY: Adds new continuing education (CE) related definitions and reorganizes language for clarity and brevity.

CHANGES TO RULE:

833-080-0011

Continuing Education ¶¶

Licenseses must complete approved continuing education and report the hours to the Board biennially as a condition of license renewal. The Board will prorate continuing education requirements of licenseses during the transition to biennial renewals conducted pursuant to ORS 675.725.¶¶

(1) Definitions.¶¶

(a) "Continuing Education" (CE) means structured educational activity that contributes directly to the professional competence of a licensesee.¶¶

(b) "Reporting period" means the 24-month period between license renewals.¶¶

~~(2c)~~ A "clock hour" for continuing education means one hour (60 minutes) spent in a program meeting the requirements for continuing education.¶¶

(A) Credit may be awarded in one-quarter (.25) increments for a minimum of 15 minutes.¶¶

~~(B)~~ Clock hours exclude refreshment breaks, receptions and other social gatherings, ~~and meals that do not include an approved program.~~ program evaluations, learning assessments, and meals.¶¶

~~(3d)~~ Licenseses must "Home Study" means independent, asynchronous learning activities complete ad without least 40 continuing education clock hours within each reporting period.¶¶

(4) New licenseses. There is no e-l-time instructor interaction that includes reading or listening to pre-recorded professional materials followed by completion of an examination or other assessment designed to measure comprehension.¶¶

(e) "Live Continuing eEducation reporting required for individuals licensed less" means synchronous learning involving real-time interaction with an 12 months or less on their first renewal d instructor or presenter, including in-person or live virtual formates.¶¶

~~(5f)~~ There is no continuing education reporting required for licenseses o "Publication Activity" means the authorship by a licensesee of professional written wor changing to inactive statusk that contributes to the body of knowledge in the field.¶¶

~~(62)~~ Licenseses must complete the following minimum at least 40 continuing education requirements clock hours within each reporting period, which must include the following categories:¶¶

(a) Six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy;¶¶

(b) For licenseses who supervise registered associates, including all licenseses on the Supervisor Registry: three clock hours of supervision-related training;¶¶

(c) Four clock hours of training in cultural competency; and¶¶

(d) Two clock hours of training dedicated to the topic of suicide risk assessment, treatment, and management.¶¶

(3) Exceptions. There is no continuing education reporting required for:¶¶

(a) Licenseses on or changing to inactive status;¶¶

(b) New licenseses who have been licensed 12 months or less on their first renewal date.

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-080-0031

RULE SUMMARY: Clarifies documentation of CE program completion and specifies activities that do not qualify. Sets forth that programs completed to fulfill the terms of a Board order or agreement do not qualify towards the CE requirements for licensure renewal or reinstatement.

CHANGES TO RULE:

833-080-0031

Continuing Education Content ¶

Policy. Continuing education must be a learning activity that contributes directly to the professional competence of the licensee.¶

(1) Continuing education content must focus on increasing knowledge and/or skills in the following substantive areas relevant to the field:¶

- (a) Counseling or marriage and family therapy theory & techniques;¶
- (b) Human development and family studies;¶
- (c) Social and cultural foundations in counseling or marriage and family therapy;¶
- (d) The helping relationship;¶
- (e) Group dynamics;¶
- (f) Life style and career development;¶
- (g) DSM diagnosis and assessment;¶
- (h) Research and evaluation;¶
- (i) Professional orientation and ethics;¶
- (j) Professional supervision training;¶
- (k) Disability and life transitions;¶
- (l) Substance abuse;¶
- (m) Psychopharmacology;¶
- (n) Diagnosis and treatment of mental health disorders.¶

(2) The program must be conducted by a qualified instructor or discussion leader, which means a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter.¶

(3) ~~A record of attendance, such as a certificate of completion, must be obtained~~ Evidence of completion must be obtained and/or documented in accordance with OAR 833-080-0051.¶

(4) Activities which do not qualify for continuing education include:¶

- (a) Marketing, investments, and practice building strategies;¶
- (b) Yoga, Pilates, therapeutic massage, or martial arts;¶
- (c) Staff meetings or consultation;¶
- (d) Word processing computer skills;¶
- (e) Organizing or participating in awareness campaigns;¶
- (f) Blogs, vlogs, or podcasts;¶
- (g) Nutrition or self-help courses;¶
- (h) Program content that is outside of a licensee's authorized scope of practice or that lacks a demonstrable basis in established research, evidence-based practice, or generally accepted professional standards.¶

(5) Programs that are completed to fulfill the terms of a Board order or agreement do not qualify towards the continuing education requirements for licensure renewal or reinstatement.

Statutory/Other Authority: ~~ORS 675.7805 - 675.835, 676.160 - 676.180~~

Statutes/Other Implemented: ~~ORS 675.785 - 675.835~~

RULE SUMMARY: Adds various clarifications to methods of obtaining hours and reorganizes to a more intuitive structure. Establishes a limit of 20 clock hours which may be claimed for home study (independent, asynchronous learning activities) during each CE reporting period, and defines how credit is awarded. Removes the requirement that CE has a minimum one clock hour duration and other requirements that are unnecessary and/or difficult to verify.

CHANGES TO RULE:

833-080-0041

Methods of Obtaining Hours ¶

~~(1)~~ Approvable continuing education credits may be obtained in the following ways:¶

~~(a1)~~ Continuing education activities with no limits on clock hours:¶

~~(Aa)~~ Attending Courses taken at accredited colleges or university courses—ies: 15 clock hours shall be awarded per semester credit and, or 10 clock hours per quarter credit.¶

~~(Bb)~~ Live seminars, workshops, conferences and/or trainings.¶

~~(C)~~ Home study (distance learning), including internet and tele-course that are sponsored by counseling related departments of accredited educational institutions, recognized professional organizations or associations, or human services agencies or organizations.¶

~~(Dc)~~ Service as an Oregon Board of Licensed Professional Counselors and Therapists member or committee volunteer.¶

~~(b2)~~ Continuing education activities for which licensees can obtain a maximum of 20 clock hours within ~~a two~~ year each reporting period:¶

~~(Aa)~~ Publication activities include, as follows:¶

~~(iA)~~ Five credits per article or review in a refereed journal that is directly related to counseling;¶

~~(ii)~~ Five credits per chapter in edited books, 20 credits for authorship of an ~~Authorship or co-authorship of articles and books that are published in a professionally recognized, peer-reviewed publication (5 credits per article or chapter, 20 credits for entire book);~~¶

~~(iii)~~ Five credits per 30 minutes of initial video production directly relat ~~B) Providing a substantial contribution in an initial video production intended for professional education or training that is subject to ed-ito-counseling;~~¶

~~(iv)~~ Five credits for rrial or peer review and formally published or distributed by a recognized organization (5 credits per 30 minutes of video);¶

~~(C)~~ Reviewing a book proposal; ~~and~~¶

~~(v)~~ Five credits for each year of s (5 credits per book); and¶

~~(D)~~ Service on an editorial board of a professional counseling journal (5 credits per year).¶

~~(Bb)~~ Professional presentations. Credit is given for the initial research and development of a professional presentation. No credit shall be allowed for repeat presentations unless it is demonstrated that the program content was substantially changed and such change required significant additional study or research. The number of credits given is twice the number of hours spent making the presentation;¶

~~(c)~~ Home study courses. 1 clock hour shall be awarded for each 6,000 words- or incrementally at one quarter (.25) hour per minimum 1,500 words- of reading actual instructional content, which excludes non-substantive materials such as advertisements, citations, indexes, reference lists, learning evaluations or assessments, or filler content.¶

~~(3)~~ Continuing education activities for which licensees can obtain a maximum of 10 clock hours within ~~a two~~ year each reporting period:¶

~~(Aa)~~ Serving as an officer of a state or national counseling organization;¶

~~(Bb)~~ Serving as a member of a national certification board;¶

~~(Cc)~~ Chairing a national counseling conference or convention; or¶

~~(Dd)~~ Receiving supervision for a fee from a supervisor who meets the Board's standards on supervision. Credit shall only be given to the licensee receiving supervision, not to a licensee providing supervision.-No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.¶

~~(2)~~ An approvable continuing education program is one designed and offered by an agency or institution that is recognized as an approved provider of continuing education units, e.g., NBCC-approved programs, to include:¶

~~(a)~~ Academic courses offered in accredited degree counseling or marriage and family therapy programs;¶

~~(b)~~ Presentations sponsored by counseling related departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human services agencies or organizations; or individuals that meet all of the following approved provider guidelines:¶

~~(A)~~ Program is presented by competent individuals as documented by appropriate academic training, professional

~~licensure or certification, or professionally recognized experience. Presenters should have an identifiable involvement with human services;¶~~

~~(B) Program meets the professional needs of the licensee's intended clientele;¶~~

~~(C) Program has a minimum duration of one clock hour;¶~~

~~(D) Except for non-classroom distance learning, program is offered in a place which is accessible to persons with disabilities;¶~~

~~(E) Distance learning program includes mechanism for evaluation, measurement, or confirmation of exchange of information; and¶~~

~~(F) Programs approved by organizations such as: National Association of Social Workers, National Board for Certified Counselors, Oregon Psychological Association, Commission on Rehabilitation Counselor Certification, Art Therapy Credentials Board, American Art Therapy Association, American Association for Marriage and Family Therapy, and American Counseling Association.¶~~

~~(c) Content of programs are consistent with OAR 833-080-0031.~~

~~Statutory/Other Authority: ORS 675.7805 - 675.835, 676.160 - 676.180~~

~~Statutes/Other Implemented: ORS 675.785 - 675.835~~

AMEND: 833-080-0051

RULE SUMMARY: Clarifies CE documentation requirements for each method of obtaining CE credit and the reporting period in which credit is attributed. Adds that the Board may request additional documentation to verify eligibility.

CHANGES TO RULE:

833-080-0051

Documentation and Submission of Continuing Education ¶

(1) Licensees must certify to the Board, at the time of renewal, that the continuing education requirements were met in a form and manner prescribed by the Board.¶

(2) Licensees must maintain documentation as proof that the licensee has satisfied the continuing professional education requirements for a minimum of two years after the reporting period. If requested by the Board, licensees will make continuing education records available for inspection.¶

(3) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee. Documentation must include proof of actual attendance, participation, certification, or completion as well as content, duration, and if relevant, provider as follows:¶

(a) For college or university courses: A copy of a transcript showing satisfactory completion of the course;¶

(b) For seminars, workshops, conferences, trainings, or home study: Dated certificates (originals or copies) of completion of training;¶

~~(c) Program/activity descriptions, including (but not limited to) written verification of professional services, copies of published works or e and supporting documentation as necessary. Documentation must at minimum show the qualified instructor(s)'s name and degree, date, start and end time (if applicable), total word count or equivalent verification (if applicable), and subject matter of the program.¶~~

~~(c) For publication activity: ¶~~

~~(A) Articles and books: a copy of the pertinent pages of the material showing the article/chapter title (if applicable), book/journal name, author(s), date of publication, and name of publishing entity.¶~~

~~(B) Video productions: title and description of the video, name of publishing or distributing organization, date of publication or release, and description of the licensee's role in development and production.¶~~

~~(C) Book proposals: title and description of the book, author(s), name of publishing entity, and written acknowledgment of licensee's contribution from their proof of publication, publisher/author.¶~~

~~(d) For board/officer/chairing service activities: a letter from president/director of organization in which professional activity was conducted; and¶~~

~~(d) Signed statement of professional supervision by the individual providing the supervision that describes licensee's official role, participation in activities that involved structured, professional learning (not governance or administration), and specific dates.¶~~

~~(e) For professional presentations: a copy of the course syllabus, conference brochure, workshop flier, program schedule, or signed verification from the sponsor. Documentation must at minimum show the licensee's name as the presenter, date, start and end time, and subject matter.¶~~

~~(f) For supervision received: signed statement of professional supervision by the individual providing the supervision.¶~~

~~(4) Credit shall be attributed only to the reporting period in which the meeting or presentation occurred, the article or book is published, or the assessment (exam) is completed, regardless of when any drafting, research, reading, or other preparation occurred.¶~~

~~(5) The Board may request additional documentation to verify eligibility.~~

Statutory/Other Authority: ~~ORS 675.7805 - 675.835, 676.160 - 676.180~~

Statutes/Other Implemented: ~~ORS 675.785 - 675.835~~

AMEND: 833-080-0061

RULE SUMMARY: Clarifies CE audit processes and updates outdated requirements. Adds a sanction schedule for failure to respond to a CE audit that includes delinquent fees and license suspension until a compliant response is received. Allows 30 days to remedy deficiencies and establishes sanctions for failure to complete deficient hours. Sets forth that remedial CE may not be double-counted towards a subsequent reporting period.

CHANGES TO RULE:

833-080-0061

Continuing Education Audit and Penalties ¶¶

(1) The Board will conduct an audit of the records of randomly selected licensees to verify actual participation, completion, and compliance with standards for content and providers of approved continuing professional education.¶¶

~~(2) Failure to maintain or document actual completion of continuing education, or failure to comply with any provision of OAR Chapter 833, Division 80, or misrepresentation of compliance, constitutes a violation of ORS 675.745(1)(f) and is grounds for disciplinary action.¶¶~~

~~(3) Audited licensees hold the burden of professional education activities claimed, failure to make such records available to the Board for inspection, or falsification of reports may result in disciplinary action by the Board. Audited licensees hold the burden of proof of mailing of submission.¶¶~~

~~(4) A licensee selected for the continuing education random audit who responds after the stated due date is subject to disciplinary action, to include but not limited to the following sanction:¶¶~~

~~(a) Up to 30 days late: \$200 delinquent fee.¶¶~~

~~(b) Up to 60 days late: \$300 delinquent fee.¶¶~~

~~(c) Failure to respond after 60 days late: \$500 delinquent fee and the licensee's license will be suspended until the licensee provides a complete response documenting the licensee's compliance with the continuing education requirements.¶¶~~

~~(25) A licensee selected for the continuing education audit whose hours are deficient, including a licensee's failure to submit complete documentation, is subject to disciplinary action, to include but not limited to the following sanctions:¶¶~~

~~(a) Persons successfully documenting 31-39 Deficiency up to 10 clock hours—: \$250;¶¶~~

~~(b) Persons successfully documenting 21-30 Deficiency up to 20 clock hours—: \$500;¶¶~~

~~(c) Persons successfully documenting 11-20 Deficiency up to 30 clock hours—: \$750;¶¶~~

~~(d) Persons successfully documenting 10 or fewer Deficiency up to 40 clock hours—: \$1,000.¶¶~~

~~(3e) The civil penalty may not be paid in lieu of training. A licensee found to be deficient will be given 30 days to complete the deficient hours. Hours made up may not be double counted towards a subsequent reporting period.¶¶~~

~~(4A) Failure to document required hours, or certifying programs or supervision not meeting approval requirements will result in non-renewal or, in the case of discovery after renewal, possible suspension of license. If the licensee fails to complete the deficient hours within 30 days, an additional \$250 fine will be assessed, and licensee may be subject to further disciplinary action.¶¶~~

~~(B) If the licensee fails to complete the deficient hours within 90 days, the licensee's license will be suspended for a minimum of 60 days.~~

Statutory/Other Authority: ORS 675.7805 - 675.835, ~~676.160 - 676.180~~

Statutes/Other Implemented: ORS 675.7805 - 675.835