



**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**

08/06/2025 12:31 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Defining Practice in Oregon.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/23/2025 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.*

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**NEED FOR THE RULE(S)**

The Board determined that an explicit description of when a person engages in or purports to engage in professional counseling or marriage and family therapy in Oregon will provide clarity to the public and guide the Board in its regulatory functions.

**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 it clarifies the standards for practice, reducing the likelihood of misinterpretation or inconsistent enforcement due to vague standards. This may discourage unlicensed and unqualified individuals from offering mental health services to Oregonians, which disproportionately target or mislead underserved communities.

**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.

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

Small businesses were not explicitly involved.

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

The proposed rule adoption was openly discussed during the August 1, 2025 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 eight-member Board and Agency staff were necessary to craft the rulemaking proposal.

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ADOPT: 833-110-0071

RULE SUMMARY: Defines when a person engages in or purports to be engaged in the practice of professional counseling and marriage and family therapy in Oregon.

CHANGES TO RULE:

833-110-0071

Practice in Oregon

(1) A person engages in professional counseling or marriage and family therapy in Oregon if, at the time the services are provided, the client, patient, consultee, supervisee, research subject, or any other individual or group receiving those services is located in Oregon.

(2) A person purports to be engaged in the practice of professional counseling or marriage and family therapy within the meaning of ORS 675.825(1)(a) or (b), respectively, under the title of "licensed professional counselor" or "marriage and family therapist" when the person makes such representations to an individual located in Oregon, regardless of whether that representation is targeted to the individual or made generally.

Statutory/Other Authority: ORS 675.785(1)

Statutes/Other Implemented: ORS 675.745, ORS 675.825, ORS 675.835