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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
08/11/2021 1:40 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Requirements for Reciprocity Applications and Competency Exam

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/22/2021 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 current rule requires reciprocity applicants to have an official verification of their competency examination sent to the Board's office. This is causing problems when other states refuse to send verifications requested by applicants, which interferes with their ability to become licensed in Oregon. The Board proposes this amendment to promote inter-jurisdictional portability efforts and allow mental health providers to more quickly serve Oregonians in need of care. The Board also determined to make clarifying amendments and remove redundant and obsolete language applicable to competency examination.

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>.

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.

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

Small businesses were not directly involved; however members of the Board who developed these amendments represent small businesses.

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

The rules are straightforward and do not result in any fiscal impact. The Board did not determine that an additional committee beyond the eight-member Board and its staff was necessary to develop the rules.

RULES PROPOSED:

833-020-0011, 833-020-0081, 833-030-0021, 833-030-0041, 833-040-0021, 833-040-0041

AMEND: 833-020-0011

RULE SUMMARY: This is a conforming amendment to the proposed amendment to OAR 833-020-0081, which would allow reciprocity method licensure applicants who have been licensed in another jurisdiction for at least two years to complete continuing education in lieu of being required to obtain a competency exam verification.

CHANGES TO RULE:

833-020-0011

Applications ¶

- (1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board and be on forms provided by the Board.¶
- (2) Application for licensure must include gender, date of birth, social security number, practice and residence addresses, email address, similar licenses held in other states, and history of professional discipline, litigation, and criminal involvement and be accompanied by:¶
 - (a) The non-refundable application fee;¶
 - (b) Official transcript sent directly to the Board from the college or university and supporting documentation as necessary showing education requirements have been met;¶
 - (c) Documentation to prove experience requirements have been met or request for registration as an intern with a proposed plan to obtain required experience;¶
 - (d) Verification that approved examination has been passed, or state examination is being requested (if applicable);¶
 - (e) Proposed professional disclosure statement for review and approval;¶
 - (f) Criminal history information as specified in OAR 833-120-0021; and¶
 - (g) Other clarifying information requested by the Board.¶
- (3) Applicants will be allowed one year from Board receipt of an application to file a completed application which documents that the applicant meets the educational requirements and experience qualifications (if applicable) for licensure.¶
- (4) Failure to withdraw the application or complete the process within the allowed time will result in closure of the file. An incomplete application includes but is not limited to an application in which:¶
 - (a) Required information or original signatures are not provided;¶
 - (b) Required forms are not submitted; or¶
 - (c) No fee or an insufficient fee is received.¶
- (5) The Board retains the right to extend the one year period to complete application for good cause.¶
- (6) Applicants who submit complete documentation but are not approved for registration, examination, or licensure will be notified in writing that the application is being denied and state the reason(s) for denial.¶
- (7) To be reconsidered for licensure, applicants who failed to become licensed, who were refused licensure, who withdrew from consideration, or interns who have allowed their registration to expire will be required to file a new application, fee, and resubmit all documentation necessary to meet the standards for licensure in effect at the

time of reapplication. Applicants reapplying must fulfill any deficiencies that are the result of changes to requirements that may have been implemented between former and current application.¶¶

(8) An applicant must notify the Board immediately, but not less than within 30 days, if any information submitted on the application changes, including but not limited to: name, address, email address, telephone number, complaints, disciplinary actions, litigation, criminal involvement, and employment investigations which results in disciplinary action. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

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: This amendment allows reciprocity method licensure applicants who have been licensed in another jurisdiction for at least two years to complete continuing education in lieu of being required to obtain a competency exam verification. Also makes clarifying changes.

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) ~~For registered interns~~ 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) ~~For registered associates~~ who have met the experience requirements for licensure, the following will result in denial of the application for licensure and termination of ~~internship~~ associate registration:¶¶
 - (a) Failure to register and attempt to pass the competency examination at least once per year;¶¶
 - (b) Failure to pass the competency exam within two years of meeting the experience requirements; or¶¶
 - (c) Failure to achieve a passing score on the competency examination after taking the exam three times.¶¶
 - (5~~6~~) For direct and reciprocity method applicants, the following will result in denial of the application for licensure:¶¶
 - (a) Failure to document passage of an acceptable competency examination or failure to register and attempt to pass the competency examination at least once per year;¶¶
 - (b) Failure to document passage or to pass the competency exam within two years of application; or¶¶
 - (c) Failure to achieve a passing score on the competency examination after taking the exam three times.¶¶
 - (6~~7~~) The Board will not review a reapplication until at least one year has elapsed from the date of the previous denial. For former registered ~~intern~~ associates, the Board will only approve a subsequent reapplication under the direct or reciprocity method.¶¶
 - (7~~8~~) The Board may extend the deadline to take an exam for good cause upon written request of the applicant, which must be received or postmarked prior to the exam deadline.¶¶
 - (8~~9~~) 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. 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: 833-030-0021

RULE SUMMARY: This is a housekeeping amendment that deletes reference to a repealed rule.

CHANGES TO RULE:

833-030-0021

Experience Requirements for Licensure as a Professional Counselor ¶¶

- (1) To qualify for licensure as a professional counselor under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical counseling experience.¶¶
- (2) To qualify for licensure through the ~~internship~~associate registration method, supervised clinical experience must meet the requirements of OAR chapter 833, divisions 50 and 130.¶¶
- (3) To qualify for licensure through direct or reciprocity method, supervised clinical experience must have consisted of no less than 2,400 supervised direct client contact hours of counseling. The supervised clinical counseling experience must have included any combination of the following:¶¶
- (a) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;¶¶
- (b) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;¶¶
- (c) Experience completed while a registered associate (or formerly "registered intern") with the Board; or¶¶
- (d) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.¶¶
- (4) For reciprocity method applicants only, five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.¶¶
- (5) ~~Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR chapter 833, division 90.~~¶¶
- ~~(6)~~ For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who holds a graduate-level state-issued license or registration, as a professional counselor or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or marriage and family therapist.

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-030-0041

RULE SUMMARY: This is a housekeeping amendment that adds clarity and removes redundant language.

CHANGES TO RULE:

833-030-0041

Examination Requirement for Licensure as a Professional Counselor ¶

- (1) All applicants for licensure as a professional counselor must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.¶
- ~~(2) To qualify for licensure as a professional counselor under ORS 675.715(1)(d), an applicant must pass, or have passed within ten ye before the Board may issue a license.¶~~
- ~~(2) In accordance with ORS 675.715(1)(d), the Boarsd prior to the date the application was received by the Board, one of~~escribes only the following as approved competency examinations:¶
- (a) National Counselor Examination;¶
- (b) National Clinical Mental Health Counselor Examination; or¶
- (c) Certified Rehabilitation Counselor Examination.¶
- ~~(3) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.¶~~
- ~~(4) To qualify to sit for the competency examination, a LPC applicant must:¶~~
- ~~(a) Submit an application; and¶~~
- ~~(b) Meet the graduate program and coursework requirements in~~To qualify to sit for the competency examination, a LPC applicant must submit a fully completed application pursuant to OAR 833-0320-0011 thta has been approved by the Board.¶
- ~~(54) Candidates will pay exam and exam administration fees to the prescribed examination providers.¶~~
- ~~(65) Passing competency exam scores will be:¶~~
- ~~(a) E~~established by the National Board of Certified Counselors for applicants who plan to take the exam after applying for Oregon licensure.¶
- ~~(b) Established by the agency verifying passage of its examination for applicants who took a state competency exam before applying for Oregon licensure~~approved examining agency or association.¶
- ~~(76) The Board will notify examinees in writing of the results of their examination.¶~~
- ~~(8) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination with a passing score determined by the Board.~~

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-040-0021

RULE SUMMARY: This is a housekeeping amendment that deletes reference to a repealed rule.

CHANGES TO RULE:

833-040-0021

Experience Requirements for Licensure as a Marriage and Family Therapist ¶

- (1) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical experience.¶
- (2) To qualify for licensure through the ~~internship~~associate registration method, supervised clinical experience must meet the requirements of OAR chapter 833, divisions 50 and 130.¶
- (3) To qualify for licensure through direct or reciprocity method, supervised clinical experience must have:¶
- (a) For those that apply to become a licensed marriage and family therapist before January 2, 2014, consisted of no less than 2,000 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.¶
- (b) For those who apply to become a licensed marriage and family therapist on or after January 2, 2014, consisted of no less than 2,400 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.¶
- (c) Included any combination of the following:¶
- (A) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;¶
- (B) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;¶
- (C) Experience completed while a registered associate (or formerly "registered intern") with the Board; or¶
- (D) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.¶
- (4) For reciprocity method applicants only, five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.¶
- ~~(5) Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR chapter 833, division 90.¶~~
- ~~(6) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who is trained specifically in the systemic approach to couples and family therapy and holds a graduate-level state-issued license or registration, as a marriage and family therapist or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or professional counselor.~~

Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180

Statutes/Other Implemented: ORS 675.785 - 675.835

AMEND: 833-040-0041

RULE SUMMARY: This is a housekeeping amendment that adds clarity and removes redundant language.

CHANGES TO RULE:

833-040-0041

Examination Requirement for Licensure as a Marriage and Family Therapist ¶¶

- (1) All applicants for licensure as a marriage and family therapist must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.¶¶
- ~~(2) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(d), an applicant must pass, or have passed within ten years prior to the date the application was received by the Board, an approved competency examination.¶¶~~
- ~~(3) ¶ before the Board may issue a license.¶¶~~
- (2) In accordance with ORS 675.715(1)(d), the Board prescribes only the following as approved competency examinations:¶¶
- (a) The marital and family therapy examination of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB); and¶¶
- (b) The State of California Board of Behavioral Sciences' Marriage and Family Therapist Written Clinical Examination.¶¶
- ~~(4) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.¶¶~~
- ~~(5) To qualify to sit for the competency examination, a LMFT applicant must:¶¶~~
- ~~(a) Submit an application; and¶¶~~
- ~~(b) Meet the graduate program and coursework requirements prescribed in OAR 833-040-0011 submit a fully completed application pursuant to OAR 833-020-0011 that has been approved by the Board.¶¶~~
- ~~(6) Candidates will pay exam and exam administration fees to the prescribed examination providers.¶¶~~
- ~~(7) Passing competency exam scores will be:¶¶~~
- ~~(a) E established by the AMFTRB for applicants who plan to take the exam after making application for Oregon licensure; or¶¶~~
- ~~(b) E established by the agency verifying passage of its examination for applicants who have completed an approved alternative examapproved examining agency or association.¶¶~~
- ~~(8) The Board will notify examinees in writing of the results of their examination.¶¶~~
- ~~(9) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination, with a passing score as determined by the Board.~~
- Statutory/Other Authority: ORS 675.785 - 675.835, 676.160 - 676.180
- Statutes/Other Implemented: ORS 675.785 - 675.835