



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

06/10/2025 12:39 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Implements Servicemembers Civil Relief Act via new servicemember portability application method and licensure requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/23/2025 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 must implement the Servicemembers Civil Relief Act (SCRA) as amended- federal law that allows servicemembers and their spouses to continue practicing their professions in new jurisdictions without completing the typical licensing requirements when they relocate due to military order and provided they meet specified criteria.

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>. The Servicemembers Civil Relief Act (50 USC § 4025a) can be found on the U.S. Office of the Law Revision Counsel website at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title50-section4025a&num=0&edition=prelim>.

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

This rule proposal may have a positive effect on racial equity in the state because it simplifies practice portability for servicemembers and their spouses/domestic partners, improving access to professional opportunities for military families which tend to be racially diverse.

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 costs required to implement these changes and review, issue, and maintain licenses to qualifying applicants 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 openly discussed during the June 6, 2025 public session board meeting where members of the public were invited to address the Board during a public forum. The rule language is simple and based on federal legislative directives. The Board did not determine that an additional committee beyond the eight-member Board and its staff was necessary to craft the rulemaking proposal.

RULES PROPOSED:

833-020-0021, 833-020-0202

AMEND: 833-020-0021

RULE SUMMARY: References new servicemember portability application method for licensure applicants.

CHANGES TO RULE:

833-020-0021

Methods of Application ¶¶

(1) Applications for licensure must indicate one of the following:¶¶

(a) Associate registration method pursuant to OAR 833 Division 50;¶¶

(b) Direct method pursuant to OAR 833-020-0041;¶¶

(c) Reciprocity method pursuant to OAR 833-020-0051;¶¶

(d) Re-licensure method pursuant to OAR 833-020-0061; or¶¶

(e) ~~Reapplication~~Servicemember portability method pursuant to OAR 833-020-0071~~202~~.¶¶

(2) Applicants may request permission to change their method of application or license requested without re-application if they do so within the year allowed to complete application.

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

Statutes/Other Implemented: ORS 675.785 - 675.835, 50 USC. § 4025a

RULE SUMMARY: Establishes new servicemember portability application process and requirements for licensure as a professional counselor (LPC) and marriage and family therapist (LMFT). Includes definitions, items required for application, criteria for initial and continued licensure, license duration, and scope.

CHANGES TO RULE:

833-020-0202

Servicemember Portability Method

(1) The servicemember portability method is for United States servicemembers and spouses or domestic partners of servicemembers who relocate their residence to Oregon because of military orders for military service in Oregon.¶

(2) The following definitions apply to this rule:¶

(a) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.¶

(b) "Military orders" means a servicemember's official military orders (including orders for separation or retirement), or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.¶

(c) "Scope of practice" means the defined parameters of various duties or services that may be provided by an individual under a license. A person licensed under this rule is subject to all laws and rules that apply to any other Oregon licensed professional counselor or marriage and family therapist.¶

(d) "Servicemember" means a member of the armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, or the commissioned corps of the Public Health Service.¶

(3) The Board may grant a license as follows:¶

(a) Licensure as a professional counselor may be issued to applicants that possess a current license to practice professional counseling in good standing in another state.¶

(b) Licensure as a marriage and family therapist may be issued to applicants that possess a current license practice marriage and family therapy in good standing in another state.¶

(c) To be considered in good standing, an applicant must not:¶

(A) Have been revoked or had discipline imposed by any state;¶

(B) Have any pending investigation related to unprofessional conduct in any state; and¶

(C) Have voluntarily surrendered a license while under investigation for unprofessional conduct in any state.¶

(4) Notwithstanding OAR 833-020-0011(2), applicants under the servicemember portability method must submit the following in a form and manner prescribed by the Board:¶

(a) A complete licensure application form;¶

(b) Payment to the Board of the actual costs charged by the Oregon State Police and Federal Bureau of Investigation to complete a criminal history check as required by OAR 833-120-0021(1)(c);¶

(c) Proof of military orders as described in Section (1);¶

(d) For spouses or domestic partners of servicemembers: a copy of the evidence of marriage or domestic partnership (such as marriage certificate or domestic partnership registration) showing the name of the applicant and the name of the servicemember; and¶

(e) An official verification of each healthcare professional license, registration, or certification held, current or expired;¶

(f) A notarized affidavit affirming, under the penalty of law, that:¶

(A) The applicant is the person described and identified in the application;¶

(B) The applicant will maintain their qualifying active license in the other state for the duration of the military orders, including renewal of that license, if applicable;¶

(C) All statements made in the application are true, correct, and complete;¶

(D) The applicant has read and understands the licensure requirements and the scope of practice of an Oregon licensed professional counselor or marriage and family therapist;¶

(E) The applicant meets and will comply with the requirements of Section (D), above; and¶

(F) The applicant is in good standing in all states in which the applicant holds or has held a license.¶

(5) A license issued under this rule is valid for the duration of the military orders and will expire based on the date the military order expires or is superseded as long as the qualifying license is maintained active and in good standing. A person licensed to practice under this rule is responsible for providing the Board with the military orders ending military service in Oregon or notifying the Board if any event occurs which disqualifies the person from eligibility, such as divorce from the servicemember or the servicemember's separation from military service.¶

(6) A person licensed to practice under this rule must disclose to the Board any subsequent disciplinary action or

investigation opened against any professional license in any state where they hold an active license, or any subsequent voluntary surrender of active professional license.[¶]

(7) The Board may investigate and take disciplinary action as described in the Board's statutes or rules against a person authorized to practice under this rule for any reason that it may take disciplinary action against any other licensee.[¶]

(8) A person authorized to practice under this rule who wishes to continue practicing in Oregon beyond the duration of their military orders must submit a new licensure application under the appropriate method in OAR 833-020-0021(a)-(c)-excluding the re-licensure method-qualify under all current licensing requirements, and satisfactorily complete the application process.

Statutory/Other Authority: ORS 675.785 - 675.835

Statutes/Other Implemented: 50 USC. § 4025a