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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BLPCT 3-2020

CHAPTER 833
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes temporary reciprocal licensure method for counselors and therapists licensed in other states.

EFFECTIVE DATE: 03/25/2020 THROUGH 09/20/2020

AGENCY APPROVED DATE: 03/24/2020

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NEED FOR THE RULE(S):

In response to the COVID-19 global pandemic and resulting social distancing initiatives, the Board determined that there was an immediate need to provide an expedited means of licensure in Oregon for those who hold a license in good standing to practice as a professional counselor or as a marriage and family therapist in any state or the District of Columbia.

JUSTIFICATION OF TEMPORARY FILING:

Failure to immediately amend this rule will result in Oregonians' inability to receive continued mental health services from their providers who are licensed in other states. In-person gatherings, including activities of universities and colleges, have been limited to slow the spread of the coronavirus. Measures designed to promote social distancing have been implemented and may continue to expand. Mental health clinics, private practices, and university counseling services have closed their doors. As a result, the demand for the electronic delivery of mental health services has increased substantially. Clients, including students returning to their homes, may reside in a different state from where they customarily receive their in-person mental health services. The standard licensure process for professional counselors and marriage and family therapists involves completion of a fingerprint-based criminal background check and receipt of various documents including transcripts, reference forms, and verifications of other state licensure. These already time-consuming processes have become delayed to a greater extent following business and educational institution closures. Individuals licensed in other states cannot achieve Oregon licensure in a timely manner to provide essential services to their clients in need. If the Board does not adopt this rule, practitioners from other states will face a choice of either violating state laws or refusing to provide mental health services to their clients. This will result in a reduction in essential mental health services available to Oregonians. This temporary rule amendment will facilitate expedited practice for continuity of care and support a reduction in the spread of the disease.

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>. Coronavirus/COVID-19 information and resources from the Governor's Office, including relevant Executive Orders, can be found at <https://www.oregon.gov/gov/Pages/coronavirus2020.aspx>.

ADOPT: 833-020-0210

RULE TITLE: Establishes temporary reciprocal licensure method for counselors and therapists licensed in other states.

RULE SUMMARY: This rule establishes a temporary reciprocal licensure method that allows counselors and therapists licensed in other states to provide mental health care services through confidential electronic communications to persons located in Oregon in response to the novel coronavirus emergency.

RULE TEXT:

(1) In response to the Declaration of Emergency Due to Coronavirus (COVID-19), Executive Order No. 20-03, and the immediate need to meet the mental health care needs of Oregonians, it is the judgment of this Board that persons who present evidence to the satisfaction of the Board that they hold a license in good standing to practice as a professional counselor or as a marriage and family therapist in any state or the District of Columbia, shall be deemed to be qualified by reciprocity to practice in this state and may be registered with the Board to deliver mental health care services through confidential electronic communications to persons located in Oregon. Persons so registered with the Board are subject to the Board's jurisdiction for care provided to clients in Oregon.

(2) To qualify for reciprocal licensure under this rule, an applicant must be in good standing, with no restrictions or limitations upon, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed.

(3) Registrants must submit the application using the Board approved application form. No fee will be charged for this application.

(4) The Board delegates to the Executive Director the authority to approve a reciprocal license under this rule to any applicant in good standing.

(5) Reciprocal licenses issued under this rule are valid for no longer than 180 days from the effective date of this rule.

(6) The Board will maintain a registry for all persons granted a reciprocal license under this rule.

(7) A person registered under this rule may use the title "Temporary Licensed Professional Counselor" or "Temporary Licensed Marriage and Family Therapist," including the abbreviations "Temporary LPC" or "Temporary LMFT."

(8) Reciprocal licensees are subject to the Code of Ethics as set forth in OAR Ch. 833, Div. 100 and the Board's compliance procedures as set forth in OAR Ch. 833, Div. 110.

(9) Current Information to the Board. An applicant or person who has been granted a reciprocal license under this rule must provide current contact information to the Board, and must notify the Board within 30 days if any information submitted on the application changes, including but not limited to:

(a) Public and mailing address;

(b) Telephone number; and

(c) Electronic mail address.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835

STATUTES/OTHER IMPLEMENTED: ORS 675.735