

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
2-9-16 4:43 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Board of Licensed Professional Counselors and Therapists  
Agency and Division  
LaRee' Felton  
Rules Coordinator  
Board of Licensed Professional Counselors and Therapists, 3218 Pringle Rd. SE, Suite 250, Salem, OR 97302  
Address

833  
Administrative Rules Chapter Number  
(503) 373-1196  
Telephone

**RULE CAPTION**

Criminal background checks for renewing licensees.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:**

OAR 833-120-0011

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 181.534, 675.705 - 675.835, 676.303

**Other Authority:**

**Statutes Implemented:**

ORS 181.534, 675.785, 676.303

**RULE SUMMARY**

This proposed rulemaking removes the requirement that renewing licensed professional counselors, licensed marriage and family therapists, and registered interns complete a fingerprint-based criminal background check at least once every five years.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association 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 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.

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.

03-24-2016 5:00 p.m.                      LaRee' Felton                      laree.felton@state.or.us  
Last Day (m/d/yyyy) and Time              Rules Coordinator Name                      Email Address  
for public comment

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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**STATEMENT OF NEED AND FISCAL IMPACT**  
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Board of Licensed Professional Counselors and Therapists  
Agency and Division

833  
Administrative Rules Chapter Number

Criminal background checks for renewing licensees.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)  
In the Matter of:

The amendment of OAR 833-120-0011.

**Statutory Authority:**

ORS 181.534, 675.705 - 675.835, 676.303

**Other Authority:**

**Statutes Implemented:**

ORS 181.534, 675.785, 676.303

**Need for the Rule(s):**

The Board reviewed current background check procedures and outcomes and determined that requiring a fingerprint-based criminal background check (CBC) every five years, in addition to a CBC at initial application, has not resulted in any significant impact on compliance efforts but instead has created a significant burden on licensees and staff.

**Documents Relied Upon, and where they are available:**

OAR Chapter 833, Division 120, and ORS Chapter 675 are available on the OBLPCT website at [Oregon.gov/OBLPCT/Pages/web-lr.aspx](http://Oregon.gov/OBLPCT/Pages/web-lr.aspx).  
ORS Chapters 181 and 676 are available on the Oregon State Legislature website at [https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx).

**Fiscal and Economic Impact:**

Licensees and interns will no longer be required every five years to pay the \$47.25 background check fee and a fingerprinting fee, which is currently contracted at \$12.50 for services through Fieldprint, Inc.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

Changes have minimal fiscal impact. Additional workload resulting from implementation will be absorbed by current Board staff.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

None.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None.

**c. Equipment, supplies, labor and increased administration required for compliance:**

None.

**How were small businesses involved in the development of this rule?**

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

**Administrative Rule Advisory Committee consulted?:No**

**If not, why?:**

These amendments are uncomplicated and do not result in significant fiscal impact.

03-24-2016 5:00 p.m.	LaRee' Felton	laree.felton@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

**BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS**

**DIVISION 120**

**CRIMINAL HISTORY CHECKS**

**833-120-0011**

**Purpose and Scope**

(1) The purpose of these rules, OAR 833-120-0011 to 833-120-0041, is to provide for the screening under ORS 181.534 of licensees, registered interns, and applicants for licensure with the Oregon Board of Licensed Professional Counselors and Therapists to determine if they have a history of criminal behavior such that they would be unable to, or should not be allowed to, perform the services of a Licensed Professional Counselor or Licensed Marriage and Family Therapist.

~~(2) A criminal history check of each licensee and registered intern will be conducted at least once every five years as part of the license or internship renewal process.~~

(3) The following persons must take the steps necessary to complete a nationwide criminal history check under ORS 181.534:

(a) A person who, on or after January 1, 2010, submits an application for licensure to the Board in accordance with OAR 833 Division 20; and

~~(b) A licensee or registered intern who, on or after January 1, 2010, submits an application for renewal of their license or status, and who has not satisfied the Board's criminal history check requirements within the past five years; and~~

(e) A licensee or registered intern who is the subject of inquiry or investigation by the bBoard.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 11-10-11; Administrative correction 11-18-11; BLPCT 3-2011, f. 12-3-11, cert. ef. 12-15-11