

PETITION FOR RULEMAKING

Submitted to the Oregon Health Authority (OHA) Pursuant to ORS 183.390

Petitioner:

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971-865-9783

Date: July 6, 2026

I. Petition

Petitioner Shasta Winn, pursuant to ORS 183.390, respectfully petitions the Oregon Health Authority ("Authority") to initiate rulemaking to amend OAR 333-333-3010 and any related rules necessary to conform the psilocybin training program curriculum approval process to the statutory framework enacted by the Legislative Assembly and approved by Oregon voters through Measure 109.

Petitioner requests that the Authority amend OAR 333-333-3010 to restore the curriculum approval framework originally adopted in PH 74-2022. In the alternative, if the Authority determines that some level of coordination with the Higher Education Coordinating Commission ("HECC") remains appropriate, Petitioner requests that HECC-related documentation, licensure, and ongoing compliance requirements be limited to training programs legally required to obtain licensure under ORS chapter 345 or ORS chapter 348.

For the reasons set forth below, Petitioner requests that the Authority grant this petition, initiate rulemaking, receive public comment, and adopt amendments restoring a clear, administrable curriculum approval process consistent with ORS chapter 475A and Measure 109.

II. Executive Summary

This petition requests amendment of OAR 333-333-3010 because the rule has evolved from a curriculum approval process into an interagency licensing framework that is broader, more burdensome, and more costly to administer than the framework originally adopted by the Oregon Health Authority in PH 74-2022.

When OAR 333-333-3010 was first adopted, it established a straightforward process for reviewing and approving psilocybin training program curricula. The rule focused on whether a proposed training program met the curriculum standards established by the Authority. It did not require applicants to obtain documentation from the Higher Education Coordinating Commission

("HECC"), did not condition curriculum approval upon HECC licensure or exemption determinations, and did not make HECC status an independent basis for denial or revocation.

Subsequent amendments changed that structure. The current rule requires training programs to provide HECC-related documentation and makes compliance with those requirements, as well as ongoing HECC licensure status, independent conditions for maintaining curriculum approval. As a result, approval of a psilocybin training curriculum now depends not only upon the Authority's evaluation of curriculum standards under ORS chapter 475A, but also upon documentation and regulatory actions administered under ORS chapter 345.

Petitioner believes these amendments introduced requirements that are not expressly required by ORS chapter 475A or ORS chapter 345 and that practical implementation has demonstrated serious unintended consequences. The HECC-related provisions have generated regulatory uncertainty, administrative burden, interagency disputes, repeated administrative appeals, litigation, significant expense for regulated entities, and substantial public costs associated with administering, defending, and enforcing requirements that have proven difficult or impossible for certain applicants to satisfy.

This petition proposes two paths. The primary proposal is to restore OAR 333-333-3010 substantially to the curriculum approval framework adopted in PH 74-2022. The alternative proposal is to retain HECC-related requirements only for training programs legally required to obtain career school licensure under ORS chapter 345 or ORS chapter 348, while allowing training programs claiming statutory exemptions under ORS 345.015 to demonstrate the factual basis for those exemptions without obtaining HECC determinations or verification not expressly required by statute.

Both proposals preserve the Authority's ability to regulate training program curricula, protect the public, and ensure compliance with applicable law. They also reduce unnecessary administrative burden, regulatory cost, interagency conflict, and litigation while returning the rule to a framework more closely aligned with Measure 109 and ORS chapter 475A.

III. Statutory Framework

A. Measure 109

In November 2020, Oregon voters approved Measure 109, establishing a regulated psilocybin services program and directing the Oregon Health Authority ("Authority") to administer that program through administrative rulemaking. The measure delegated to the Authority responsibility for licensing and regulating psilocybin manufacturers, service centers, facilitators, laboratories, and training programs, while authorizing the Authority to establish standards necessary to implement the statutory framework enacted by the voters.

With respect to training programs, Measure 109 contemplated that the Authority would establish standards governing facilitator education and approve curricula that satisfy those standards.

The statutory framework focuses upon the quality and content of facilitator education and delegates to the Authority responsibility for determining whether proposed curricula meet those requirements.

Nothing in Measure 109 expressly conditions curriculum approval upon licensure, exemption determinations, or ongoing regulatory approval by the Higher Education Coordinating Commission ("HECC").

B. ORS Chapter 475A

The provisions codified in ORS chapter 475A assign the Authority responsibility for approving psilocybin training program curricula and adopting rules governing facilitator education. The Legislature delegated broad rulemaking authority to implement the psilocybin services program while identifying the matters the Authority is responsible for regulating.

The statutory framework authorizes the Authority to establish curriculum standards, evaluate applications for curriculum approval, approve or deny curricula, and oversee compliance with the requirements governing approved training programs. The Legislature thus placed responsibility for curriculum approval squarely within the Authority's jurisdiction.

The statutes do not expressly require training programs to obtain HECC licensure, HECC exemption determinations, or HECC verification as a condition of curriculum approval or continued curriculum approval. To the extent compliance with Oregon career school laws is relevant, the statutes do not prescribe the particular documentation mechanism later adopted in OAR 333-333-3010.

C. ORS Chapter 345

ORS chapter 345 governs private career schools and assigns regulatory responsibilities to the Higher Education Coordinating Commission. The chapter establishes when career school licensure is required and identifies categories of educational activities that are exempt from those licensing requirements.

Most significant to this petition, ORS 345.015 establishes numerous statutory exemptions from career school licensure. Those exemptions are created by the Legislature itself and apply by operation of law when the statutory criteria are satisfied.

The statute identifies the circumstances under which licensure is not required. It does not expressly require persons claiming those statutory exemptions to obtain exemption determinations, verification, or other documentation from HECC before relying upon an exemption.

Accordingly, the statutory framework reflects two distinct regulatory responsibilities. The Authority is responsible for approving psilocybin training program curricula under ORS chapter

475A, while HECC administers the career school licensing laws under ORS chapter 345. The amendments to OAR 333-333-3010 that added HECC documentation and ongoing HECC compliance requirements effectively intertwined these separate statutory schemes by making HECC documentation and status independent conditions of curriculum approval. This petition requests that those provisions be reconsidered in light of the statutory framework enacted by the Legislature and the practical experience gained through implementation.

IV. Rulemaking History

The evolution of OAR 333-333-3010 demonstrates a significant shift in the regulatory framework governing psilocybin training programs. The rule originally established a curriculum approval process focused on educational standards within the Authority's jurisdiction. Subsequent amendments progressively incorporated Higher Education Coordinating Commission ("HECC") documentation and licensure requirements, transforming the rule into an interagency regulatory framework in which curriculum approval became contingent upon actions and determinations of another agency. This history is central to the amendment requested in this petition.

A. PH 74-2022 — Original Adoption

OAR 333-333-3010 was originally adopted through Administrative Order PH 74-2022, filed May 19, 2022, and effective May 20, 2022. The original rule established the process by which the Oregon Health Authority ("Authority") evaluated and approved psilocybin training program curricula. Its focus was exclusively on whether the proposed curriculum satisfied the educational standards adopted under Division 333.

The original rule required applicants to submit a curriculum approval application, allowed the Authority to evaluate whether the curriculum met the requirements established in OAR 333-333-3010 through 333-333-3090, and authorized approval or denial based upon those curriculum standards. The rule also established the term of curriculum approval and the circumstances under which approval could be denied or revoked for failure to satisfy those curriculum requirements.

Notably, the original rule did not require applicants to obtain documentation from HECC, did not require applicants to demonstrate HECC licensure or exemption status, and did not make HECC approval, licensure, or determinations an independent condition of curriculum approval or continued curriculum approval. The original regulatory framework remained focused on curriculum quality and the Authority's statutory responsibility to evaluate facilitator education.

B. PH 58-2023 — Introduction of HECC Requirements

Administrative Order PH 58-2023, filed December 21, 2023, and effective January 1, 2024, substantially amended OAR 333-333-3010. Among the most consequential changes was the addition of subsection (4), requiring approved training programs to provide documentation

relating to HECC licensure or exemption status within 180 days of curriculum approval, together with corresponding denial and revocation provisions tied to compliance with those requirements.

These amendments changed the practical operation of the rule. Rather than regulating only curriculum approval, the rule began conditioning continued curriculum approval upon documentation and regulatory status administered by another agency. Subsections (5)(c), (5)(d), and (5)(e) further provided that failure to satisfy those HECC-related requirements, denial of HECC licensure, or failure to maintain HECC approval status constituted independent grounds for denial or revocation of curriculum approval.

During the 2023 rulemaking process, the Authority characterized the amendments as part of implementing facilitator training program requirements and related technical revisions to the regulatory framework. Petitioner contends that the practical effect of these amendments was to impose new regulatory obligations not present in the original PH 74-2022 curriculum approval rule.

C. PH 82-2024 — Expansion and Modification

Administrative Order PH 82-2024, filed November 22, 2024, and effective January 1, 2025, further amended the training program rules. Among other changes, the Authority reduced the approval term for new training program approvals from five years to one year, revised renewal procedures, and made additional changes affecting training program administration and oversight.

These amendments retained the HECC documentation framework adopted in PH 58-2023 while expanding the administrative obligations imposed upon approved training programs. Industry participants noted that the amendments increased operational complexity and compliance costs for regulated entities.

The continued retention of the HECC documentation and revocation provisions further entrenched the transformation of OAR 333-333-3010 from a curriculum approval rule into an interagency compliance rule.

D. PH 21-2025 — Current Rule

Administrative Order PH 21-2025, filed October 24, 2025, and effective January 1, 2026, constitutes the current version of OAR 333-333-3010. The present rule continues to require HECC-related documentation under subsection (4) and continues to make compliance with those requirements, together with HECC licensure status, independent grounds for denial or revocation of curriculum approval.

Accordingly, the current rule no longer functions solely as a curriculum approval process. It now incorporates an ongoing interagency regulatory framework in which approval and continued approval of a psilocybin training program curriculum depend not only upon compliance with the

Authority's curriculum standards, but also upon documentation and regulatory actions administered by HECC.

E. Effect of the Rule's Evolution

The progression from PH 74-2022 through PH 21-2025 demonstrates that OAR 333-333-3010 has evolved from a rule governing curriculum approval into one that conditions curriculum approval upon separate HECC documentation and licensure requirements. Petitioner believes that this evolution has generated years of regulatory uncertainty, unnecessary administrative burden, repeated administrative appeals, litigation, significant expense to regulated entities, and substantial public costs associated with administering, defending, and enforcing requirements not expressly required by ORS chapter 475A or ORS chapter 345.

Those costs have ultimately been borne not only by applicants and approved training programs, but also by Oregon Psilocybin Services itself during a period in which the Authority has publicly acknowledged budgetary constraints and undertaken organizational restructuring to improve operational efficiency. The amendment requested in this petition seeks to restore the original curriculum-focused framework adopted in PH 74-2022 or, alternatively, to limit HECC-related requirements to those entities that are legally required to obtain career school licensure.

V. Current Rule

The current version of OAR 333-333-3010, effective January 1, 2026, establishes the Oregon Health Authority's ("Authority") process for approval, continued approval, denial, suspension, and revocation of psilocybin training program curricula. The complete text of the current rule is incorporated herein by reference.

For ease of reference, the substantive provisions of the current rule are summarized below.

A. Curriculum Approval

Subsections (1) through (3) establish the application process for curriculum approval. Applicants must submit a curriculum approval application demonstrating compliance with the curriculum standards adopted by the Authority together with the required application fee. The Authority reviews the application for completeness, evaluates whether the curriculum satisfies the requirements of Division 333, and approves or denies the curriculum.

These provisions substantially reflect the curriculum approval framework originally adopted through PH 74-2022.

B. HECC Documentation Requirements

Subsection (4) requires every approved training program, within 180 days of receiving curriculum approval, to submit one of three forms of documentation relating to Higher Education Coordinating Commission ("HECC") licensure:

- documentation demonstrating that the program has applied for HECC licensure and the application remains pending;
- proof of current HECC career school licensure; or
- documentation from HECC stating that the program is not required to be licensed as a career school.

Unlike the curriculum approval provisions contained in subsections (1) through (3), subsection (4) regulates a training program's status under ORS chapter 345 rather than the curriculum itself.

C. Denial and Revocation

Subsection (5) authorizes denial or revocation of curriculum approval for several reasons, including:

- failure to satisfy the curriculum requirements established in Division 333;
- false or misleading statements;
- failure to comply with subsection (4);
- denial of HECC licensure; and
- failure to maintain required HECC approval or licensure.

Accordingly, subsection (5) makes compliance with HECC-related requirements an independent condition of obtaining and maintaining curriculum approval.

D. Administrative Procedures

Subsections (6) through (11) establish hearing rights, approval terms, reapplication limitations, renewal periods, Authority authority to require resubmission following substantive rule changes, and notification requirements when training programs cease operations.

E. Original Language

The provisions governing curriculum approval contained in subsections (1) through (3), together with the Authority's review, approval, denial, hearing rights, and related administrative procedures, substantially reflect the curriculum-focused framework originally adopted in PH 74-2022.

The original rule centered upon whether a proposed curriculum satisfied the educational standards adopted by the Authority. It did not require HECC documentation, HECC licensure,

HECC exemption determinations, or ongoing HECC compliance as independent conditions of curriculum approval.

F. Later Additions

The most significant substantive additions to OAR 333-333-3010 occurred through later amendments beginning with PH 58-2023 and continuing through PH 82-2024 and PH 21-2025.

Those amendments introduced:

- the requirement that approved training programs provide HECC-related documentation within 180 days of curriculum approval;
- denial and revocation based upon failure to satisfy those documentation requirements;
- denial and revocation based upon denial of HECC licensure; and
- denial and revocation based upon failure to maintain HECC approval or licensure.

Collectively, these amendments transformed OAR 333-333-3010 from a rule governing curriculum approval into a rule that conditions curriculum approval upon compliance with an interagency licensing framework administered in substantial part by HECC.

Petitioner does not challenge the Authority's authority to establish curriculum standards or to approve, deny, suspend, or revoke curriculum approval consistent with ORS chapter 475A. Rather, Petitioner requests reconsideration of the later-added provisions that condition curriculum approval upon HECC documentation, licensure, and continuing regulatory status, because those provisions were not part of the original curriculum approval framework adopted in PH 74-2022 and have generated significant regulatory uncertainty, unnecessary administrative burden, repeated administrative appeals, litigation, and substantial costs to both regulated entities and the Oregon Psilocybin Services program.

VI. Problem Statement

The issue presented by this petition is not simply whether OAR 333-333-3010 requires submission of HECC documentation. The more fundamental issue is that the rule has evolved from a curriculum approval rule into an interagency licensing framework in which continued approval of a psilocybin training program curriculum depends upon the regulatory actions of another agency.

When OAR 333-333-3010 was originally adopted through PH 74-2022, its purpose was straightforward. The rule established the process by which the Oregon Health Authority ("Authority") evaluated whether a proposed facilitator training curriculum satisfied the educational standards adopted under ORS chapter 475A. Approval, denial, and continued approval were tied to curriculum quality and compliance with the Authority's own regulatory standards. The rule did not require applicants to obtain documentation from the Higher

Education Coordinating Commission ("HECC"), nor did it condition curriculum approval upon HECC licensure, exemption determinations, or continuing HECC regulatory status.

Subsequent amendments fundamentally changed the operation of the rule.

At first glance, subsection (4) appears to establish only a documentation requirement. Viewed in isolation, it might be understood as requiring applicants merely to submit evidence concerning their status under ORS chapter 345. Read together with subsection (5), however, the practical effect is substantially different.

Subsection (5)(c) requires the Authority to deny or revoke curriculum approval if a training program fails to comply with subsection (4). Subsection (5)(d) separately requires denial or revocation if HECC denies the program's application for licensure. Subsection (5)(e) further requires denial or revocation if a training program fails to maintain its approval or licensure status with HECC.

Accordingly, subsection (4) is not simply a procedural documentation provision. It operates as the gateway to continued curriculum approval because failure to satisfy its requirements independently triggers denial or revocation under subsection (5). Likewise, HECC licensing decisions and ongoing HECC regulatory status become independent conditions of maintaining curriculum approval issued by the Authority.

The cumulative effect of these provisions is that approval of a psilocybin training curriculum is no longer determined solely by whether the curriculum satisfies the standards established under ORS chapter 475A. Instead, continued approval depends in substantial part upon documentation, licensing decisions, and ongoing regulatory actions administered by HECC under ORS chapter 345.

This represents a significant evolution from the framework originally adopted in PH 74-2022. The original rule regulated curriculum. The current rule regulates curriculum and, through incorporation of HECC-related requirements, creates an interagency compliance framework that conditions curriculum approval upon matters extending beyond the Authority's evaluation of educational standards.

Petitioner respectfully submits that this evolution has produced consequences not contemplated by the original curriculum approval rule. Training programs claiming statutory exemptions under ORS 345.015 have encountered uncertainty regarding documentation requirements, conflicting agency interpretations, prolonged administrative proceedings, appeals, litigation, and substantial compliance costs. The Authority has likewise devoted significant public resources to administering, defending, and enforcing HECC-related provisions while publicly acknowledging budgetary constraints and pursuing organizational restructuring to improve operational efficiency.

The amendments requested in this petition seek to restore the original curriculum-centered regulatory framework adopted in PH 74-2022 or, alternatively, to limit HECC-related documentation and licensure requirements to those entities for which career school licensure is legally required. Either approach would preserve the Authority's ability to regulate facilitator education while reducing unnecessary administrative burdens, regulatory uncertainty, and public expense associated with the current interagency framework.

VII. Administrative History

The issues presented in this petition arise from more than three years of administrative proceedings concerning the implementation of OAR 333-333-3010 and the HECC-related requirements added through subsequent amendments. During that period, Petitioner pursued multiple administrative processes seeking clarification of the rule, amendment of the rule, and prospective guidance regarding its application to training programs claiming statutory exemptions under ORS 345.015.

A. Correspondence with the Higher Education Coordinating Commission

Beginning in 2023, Petitioner engaged in extensive correspondence with the Higher Education Coordinating Commission ("HECC") regarding the applicability of Oregon's career school laws to psilocybin training programs claiming exemption under ORS 345.015.

During those communications, HECC advised Petitioner that exemption determinations could be requested through the agency's application process. Petitioner thereafter sought such determinations and related guidance concerning exempt training programs.

Subsequent correspondence from HECC stated that, except where specifically authorized by statute, HECC does not maintain a process for issuing exemption determinations or verification for programs claiming statutory exemptions under ORS 345.015 and lacks authority to issue the verification contemplated by OAR 333-333-3010(4)(c).

B. Correspondence with the Oregon Health Authority

Petitioner likewise engaged in extensive correspondence with the Oregon Health Authority ("Authority") concerning implementation of OAR 333-333-3010 and the interaction between the Authority's curriculum approval process and HECC's administration of ORS chapter 345.

These communications addressed, among other subjects, curriculum approval requirements, implementation of subsection (4), compliance by training programs claiming statutory exemptions, the practical effect of HECC's stated positions, and requests for clarification regarding the operation of the rule.

C. Petitions for Declaratory Ruling

Petitioner submitted multiple petitions requesting declaratory rulings concerning the interpretation and application of OAR 333-333-3010, the relationship between ORS chapter 475A and ORS chapter 345, and the applicability of the HECC-related requirements to exempt training programs.

The Authority denied or declined to issue declaratory rulings resolving the questions presented.

D. Rulemaking Petitions

Petitioner submitted multiple petitions pursuant to ORS 183.390 requesting amendment of administrative rules relating to psilocybin training programs.

Those petitions requested reconsideration of the HECC-related requirements incorporated into OAR 333-333-3010 and sought amendments addressing the interaction between the Authority's curriculum approval process and ORS chapter 345.

The present petition supplements those prior requests by proposing specific amendments to OAR 333-333-3010 and related rules.

E. Administrative Proceedings

The issues presented in this petition were also raised during administrative proceedings involving approval and revocation of psilocybin training program curricula.

During those proceedings, Petitioner asserted that compliance with OAR 333-333-3010 had become problematic for training programs claiming statutory exemptions because the rule required documentation that HECC subsequently stated it does not issue for most exemptions established under ORS 345.015.

The administrative proceedings concluded without amendment of the rule or resolution of the underlying questions concerning implementation of the HECC-related provisions.

F. Judicial Proceedings

The issues described in this petition have also been presented in judicial proceedings seeking review of agency action, agency inaction, and related administrative determinations.

Those proceedings have included judicial review of administrative orders, challenges relating to implementation of the training program rules, proceedings concerning declaratory relief, and related appellate litigation.

Although those proceedings involved different procedural issues, each concerned aspects of the implementation and legal effect of the HECC-related provisions incorporated into OAR 333-333-3010.

G. Agency Positions Reflected in the Administrative Record

The administrative record developed over the past three years reflects, among other things, the following agency positions:

1. The Authority adopted amendments requiring HECC-related documentation as part of OAR 333-333-3010.
2. The Authority represented during rulemaking that those amendments did not impose new substantive obligations upon training programs.
3. HECC advised Petitioner that exemption determinations could be requested through its administrative processes.
4. HECC subsequently advised that, except where expressly authorized by statute, it does not maintain a process for issuing exemption determinations or verification for programs claiming statutory exemptions under ORS 345.015.
5. The Authority continued to administer and enforce OAR 333-333-3010 following those communications.
6. Petitioner sought clarification through agency correspondence, petitions for declaratory ruling, petitions for rulemaking, administrative proceedings, and judicial review.

H. Present Petition

This petition is submitted after the completion of these administrative processes and is based upon the Authority's implementation experience, the administrative record developed during those proceedings, and the practical operation of OAR 333-333-3010 since the adoption of the HECC-related amendments.

VIII. Practical Consequences

The administrative history described in the preceding section demonstrates that the current version of OAR 333-333-3010 has produced practical consequences extending well beyond the circumstances of any individual training program. More than three years of implementation have demonstrated that the HECC-related amendments have materially increased the complexity, cost, and administrative burden associated with the Authority's curriculum approval process.

A. Regulatory Uncertainty

The current rule conditions curriculum approval upon documentation, licensure, and regulatory actions administered by the Higher Education Coordinating Commission while also recognizing statutory exemptions established under ORS 345.015.

Practical implementation has demonstrated uncertainty regarding how exempt training programs are expected to satisfy subsection (4), what documentation is sufficient to establish a statutory exemption, and the extent to which curriculum approval may depend upon HECC actions where HECC has stated that it does not issue exemption determinations or verification for most statutory exemptions.

Regulatory systems function most effectively when compliance obligations are clear, objective, and reasonably attainable. The experience under the current rule demonstrates continuing uncertainty concerning those obligations for exempt training programs.

B. Administrative Burden

The HECC-related amendments substantially expanded the administrative responsibilities associated with curriculum approval.

Rather than evaluating curriculum alone, the Authority must now administer an interagency regulatory framework requiring consideration of documentation, licensure status, statutory exemptions, and continuing compliance with matters administered under ORS chapter 345. Applicants likewise must navigate multiple regulatory systems while seeking clarification from separate agencies exercising different statutory responsibilities.

The result has been increased correspondence, additional review, repeated requests for clarification, prolonged administrative proceedings, and greater complexity for both regulated entities and agency personnel.

C. Economic Impact on Training Programs

The current framework has imposed significant economic costs upon training programs seeking curriculum approval.

Applicants have incurred expenses associated with legal consultation, preparation of additional documentation, administrative proceedings, appeals, delayed operations, and uncertainty concerning regulatory compliance. Training programs claiming statutory exemptions have experienced additional burdens arising from efforts to obtain documentation or determinations that may not be available through existing administrative processes.

These costs are particularly significant for small organizations, nonprofit entities, religious organizations, and continuing education providers operating under statutory exemptions established by the Legislature.

D. Public Expense

The practical consequences of the current framework have likewise affected the expenditure of public resources.

Implementation of the HECC-related provisions has required substantial commitments of staff time devoted to correspondence, legal review, interagency coordination, contested case proceedings, declaratory ruling petitions, rulemaking petitions, judicial review, and related litigation. Additional public resources have been expended through the Oregon Department of Justice, the Office of Administrative Hearings, and Oregon's appellate courts.

While regulatory oversight necessarily requires public resources, recurring expenditures generated by uncertainty concerning implementation reduce the resources available for the Authority's primary regulatory responsibilities.

E. Program Administration

The current framework has also affected administration of the Oregon Psilocybin Services program itself.

During the period in which these issues have remained unresolved, the Authority has publicly acknowledged budgetary constraints, reduced expenditures where possible, and announced organizational restructuring, including consolidation of Oregon Psilocybin Services with the Oregon Medical Marijuana Program into the Oregon Psilocybin and Medical Cannabis Section.

Petitioner does not suggest that the HECC-related amendments are the sole cause of those financial challenges. Practical experience does demonstrate, however, that administering, defending, and enforcing a regulatory framework that has generated years of recurring disputes necessarily consumes agency resources that could otherwise be devoted to implementation of the program established by Measure 109.

F. Benefits of Amendment

The proposed amendments would materially reduce these practical burdens while preserving the Authority's ability to regulate facilitator education and protect the public.

Restoring the curriculum approval framework originally adopted through PH 74-2022 would return the Authority's review to its central statutory function: determining whether a proposed curriculum satisfies the standards established under ORS chapter 475A.

If the Authority determines that continued coordination with HECC is appropriate, the alternative proposal would substantially reduce unnecessary burden by limiting HECC-related documentation and licensure requirements to training programs legally required to obtain career

school licensure, while allowing exempt entities to establish the factual basis for their statutory exemptions directly to the Authority.

Either approach would simplify administration, reduce unnecessary regulatory costs, lessen interagency conflict, improve regulatory certainty, conserve public resources, and better align OAR 333-333-3010 with the statutory framework enacted by the Legislature and approved by Oregon voters through Measure 109.

IX. Findings Supporting Amendment

Based upon the statutory framework, the rulemaking history, the Authority's implementation of OAR 333-333-3010, and the administrative record developed through more than three years of implementation, Petitioner respectfully submits the following findings in support of the requested rulemaking:

Finding 1. The Oregon Health Authority possesses statutory authority under ORS chapter 475A to establish standards governing psilocybin facilitator education and to approve training program curricula.

Finding 2. OAR 333-333-3010, as originally adopted through PH 74-2022, implemented a curriculum approval process focused upon educational standards within the Authority's jurisdiction.

Finding 3. The original rule did not require Higher Education Coordinating Commission ("HECC") documentation, HECC licensure, HECC exemption determinations, or continuing HECC regulatory approval as conditions of curriculum approval.

Finding 4. Administrative Order PH 58-2023 introduced subsection (4) and corresponding denial and revocation provisions tying curriculum approval to HECC documentation and regulatory status.

Finding 5. Subsequent amendments retained and expanded that framework, resulting in the current version of OAR 333-333-3010.

Finding 6. Under the current rule, compliance with subsection (4), denial of HECC licensure, and maintenance of HECC licensure or approval constitute independent grounds for denial or revocation of curriculum approval.

Finding 7. The practical effect of subsections (4), (5)(c), (5)(d), and (5)(e) is to make HECC regulatory actions an independent component of the Authority's curriculum approval process.

Finding 8. ORS chapter 345 establishes both career school licensure requirements and statutory exemptions from those requirements through ORS 345.015.

Finding 9. Neither ORS chapter 475A nor ORS chapter 345 expressly requires training programs claiming statutory exemptions under ORS 345.015 to obtain HECC exemption determinations or verification as a condition of curriculum approval.

Finding 10. The administrative record demonstrates that questions concerning the documentation required of exempt training programs have generated recurring uncertainty during implementation of OAR 333-333-3010.

Finding 11. The administrative record further demonstrates that these questions have resulted in repeated agency correspondence, requests for clarification, petitions for declaratory ruling, rulemaking petitions, contested case proceedings, and judicial review.

Finding 12. More than three years of implementation have demonstrated that the HECC-related amendments have materially increased the complexity of administering OAR 333-333-3010.

Finding 13. The current framework requires ongoing coordination between the Oregon Health Authority and the Higher Education Coordinating Commission in administering separate statutory responsibilities assigned by the Legislative Assembly.

Finding 14. Implementation of the current rule has required substantial expenditures of time and public resources devoted to correspondence, legal review, interagency coordination, administrative proceedings, and litigation.

Finding 15. Regulated entities have incurred additional compliance costs, administrative burden, delay, and uncertainty associated with implementation of the HECC-related provisions.

Finding 16. The Oregon Health Authority has publicly acknowledged budgetary constraints affecting Oregon Psilocybin Services and has undertaken organizational restructuring intended to improve operational efficiency.

Finding 17. Practical implementation has demonstrated that the original curriculum approval framework adopted through PH 74-2022 can serve as an administrable model for regulating facilitator education without requiring the HECC-related provisions later incorporated into OAR 333-333-3010.

Finding 18. Restoring OAR 333-333-3010 substantially to the framework adopted through PH 74-2022 would preserve the Authority's statutory responsibility to establish curriculum standards, approve training program curricula, oversee approved training programs, and protect the public.

Finding 19. If the Authority determines that some coordination with HECC remains appropriate, limiting HECC-related requirements to training programs legally required to obtain career school licensure would more closely align the rule with the statutory distinctions established in ORS chapter 345 between licensed and exempt entities.

Finding 20. Amendment of OAR 333-333-3010 is supported by the statutory framework, the rulemaking history, the Authority's implementation experience, and the public interest in maintaining a curriculum approval process that is clear, efficient, administrable, and consistent with the purposes of Measure 109 and ORS chapter 475A.

X. Propositions of Law

Pursuant to OAR 137-001-0070, Petitioner intends to assert the following propositions of law in support of this petition:

Proposition 1. ORS 183.390 authorizes any interested person to petition an agency for the adoption, amendment, or repeal of an administrative rule.

Proposition 2. Upon receipt of a petition submitted pursuant to ORS 183.390, the Oregon Health Authority has authority to initiate rulemaking and amend its administrative rules within the scope of its statutory jurisdiction.

Proposition 3. The Oregon Health Authority possesses only those powers granted by the Oregon Constitution or delegated by the Legislative Assembly, together with those powers necessarily implied to carry out its statutory duties.

Proposition 4. Administrative rules must remain within the scope of the statutory authority delegated to the agency by the Legislature.

Proposition 5. Administrative rules must be consistent with, and may not conflict with, the statutes they are intended to implement.

Proposition 6. ORS chapter 475A delegates to the Oregon Health Authority responsibility for establishing standards governing psilocybin facilitator education and approving training program curricula.

Proposition 7. ORS chapter 345 delegates administration of Oregon's career school licensing laws to the Higher Education Coordinating Commission.

Proposition 8. ORS 345.015 establishes statutory exemptions from career school licensure that apply according to the terms enacted by the Legislative Assembly.

Proposition 9. Where the Legislature has established a statutory exemption, an administrative rule should be interpreted and administered consistently with that exemption.

Proposition 10. Administrative rules should not impose conditions upon the exercise of a statutory exemption unless authorized by statute.

Proposition 11. An agency may amend an existing administrative rule when implementation demonstrates that amendment would improve administration, increase clarity, reduce unnecessary complexity, or better align the rule with governing statutes.

Proposition 12. Practical experience gained through implementation of an administrative rule is an appropriate consideration in determining whether amendment of that rule is warranted.

Proposition 13. The Oregon Health Authority has authority to amend OAR 333-333-3010 if it determines that amendment would better implement ORS chapter 475A or improve administration of the Oregon Psilocybin Services program.

Proposition 14. The Authority may repeal, modify, or replace provisions of OAR 333-333-3010 adopted through prior rulemaking, provided any amendments are adopted in accordance with ORS chapter 183.

Proposition 15. Restoring OAR 333-333-3010 substantially to the curriculum approval framework adopted through PH 74-2022, or alternatively limiting HECC-related requirements to entities legally required to obtain career school licensure, would remain within the Authority's statutory rulemaking authority under ORS chapter 475A.

Proposition 16. Amendment of OAR 333-333-3010 pursuant to the proposals contained in this petition would be consistent with the Authority's statutory responsibility to regulate psilocybin facilitator training programs and approve curricula meeting the requirements established under Oregon law.

XI. Comments Required by OAR 137-001-0070(2)

Pursuant to OAR 137-001-0070(2), Petitioner submits the following comments in support of the proposed amendments.

A. Options for Achieving the Rule's Purpose While Reducing Negative Economic Impacts on Businesses

The primary proposal restores OAR 333-333-3010 substantially to the curriculum approval framework adopted through PH 74-2022. That framework enabled the Authority to evaluate and approve facilitator training curricula without requiring HECC documentation, continuing HECC licensure, or ongoing interagency regulatory oversight. Restoring that framework would reduce compliance costs, simplify administration, and eliminate unnecessary regulatory obligations while preserving the Authority's statutory responsibility to oversee facilitator education.

If the Authority determines that some coordination with the Higher Education Coordinating Commission ("HECC") remains appropriate, the alternative proposal provides a less burdensome means of accomplishing the same regulatory objectives. Under that proposal, HECC-related documentation and licensure requirements would apply only to training programs

legally required to obtain career school licensure under ORS chapter 345 or ORS chapter 348. Training programs qualifying for statutory exemptions under ORS 345.015 would instead demonstrate the factual basis for those exemptions directly to the Authority without being required to obtain HECC determinations or verification not expressly required by statute.

Either proposal would substantially reduce compliance costs, legal uncertainty, administrative delay, and unnecessary expenditures by both regulated entities and the Authority.

B. Continued Need for the Existing Rule

Petitioner does not dispute the continued need for OAR 333-333-3010 or for the Authority's regulation of psilocybin training program curricula. The Authority's responsibility to establish curriculum standards, approve training programs, oversee compliance, and protect the public remains an essential component of Oregon's psilocybin services program.

The proposed amendments do not eliminate the rule. They eliminate or narrow provisions added after PH 74-2022 that practical implementation has shown to be unnecessarily burdensome and administratively difficult to implement. The curriculum approval process remains necessary; reconsideration is requested only with respect to the later-added HECC-related provisions.

C. Complexity of the Existing Rule

The original version of OAR 333-333-3010 established a relatively straightforward curriculum approval process administered entirely by the Authority. Subsequent amendments significantly increased the rule's complexity by incorporating documentation requirements, licensure provisions, and continuing regulatory obligations administered by a separate agency.

The current rule requires applicants and agency personnel to navigate two separate statutory frameworks, coordinate with multiple agencies, interpret the interaction between ORS chapters 475A and 345, and address questions concerning statutory exemptions and documentation requirements. Practical implementation has demonstrated that this complexity has contributed to repeated requests for clarification, prolonged administrative proceedings, and unnecessary litigation.

The proposed amendments would simplify administration while preserving the Authority's ability to regulate facilitator education.

D. Overlap, Duplication, or Conflict with Other State, Federal, or Local Regulations

The current rule creates substantial overlap between the Authority's administration of ORS chapter 475A and HECC's administration of ORS chapter 345.

The Authority is responsible for approving psilocybin facilitator training curricula. HECC is responsible for administering Oregon's career school licensing laws. By conditioning curriculum approval upon HECC documentation, licensure, and continuing regulatory status, OAR 333-333-3010 intertwines these separate statutory responsibilities.

Practical implementation has demonstrated that this overlap has produced recurring questions regarding documentation, statutory exemptions, agency authority, and regulatory responsibility. The proposed amendments would reduce unnecessary duplication while allowing each agency to exercise the authority specifically delegated to it by the Legislative Assembly.

Petitioner is not aware of any conflict between the proposed amendments and applicable federal or local law.

E. Changes in Technology, Economic Conditions, or Other Factors Since Adoption of the Rule

The most significant developments since adoption of PH 74-2022 have been practical rather than technological.

More than three years of implementation have demonstrated that the HECC-related amendments added through PH 58-2023 and retained in subsequent rulemakings have generated regulatory uncertainty, increased administrative burden, repeated administrative proceedings, litigation, and significant expenditures of both public and private resources.

During the same period, the Authority has publicly acknowledged budgetary constraints affecting Oregon Psilocybin Services and has undertaken organizational restructuring, including consolidation into the Oregon Psilocybin and Medical Cannabis Section, to improve efficiency and reduce operating costs.

These developments provide a meaningful opportunity to evaluate whether the current regulatory framework continues to represent the most effective and economical means of implementing the Authority's statutory responsibilities. Petitioner respectfully submits that the Authority's implementation experience demonstrates that restoring the curriculum approval framework adopted through PH 74-2022—or, alternatively, limiting HECC-related requirements to entities legally required to obtain career school licensure—would reduce unnecessary administrative costs, simplify regulation, improve regulatory certainty, and better align OAR 333-333-3010 with the statutory framework enacted by the Legislative Assembly.

XII. Proposed Amendment

Pursuant to ORS 183.390, Petitioner respectfully requests that the Oregon Health Authority amend OAR 333-333-3010. Two alternative proposals are presented. The primary proposal is preferred because it substantially restores the curriculum approval framework originally adopted through PH 74-2022. The alternative proposal is offered if the Authority determines that some

coordination with the Higher Education Coordinating Commission ("HECC") remains appropriate.

A. Primary Proposal — Restore the Curriculum Approval Framework Adopted Through PH 74-2022

Petitioner requests that the Authority substantially restore OAR 333-333-3010 to the curriculum approval framework adopted through PH 74-2022 by repealing the HECC-related provisions added through subsequent rulemaking.

Specifically, Petitioner requests that the Authority:

1. Repeal subsection (4) in its entirety.
2. Repeal subsection (5)(c).
3. Repeal subsection (5)(d).
4. Repeal subsection (5)(e).
5. Renumber the remaining subsections as necessary.

The effect of these amendments would be to restore OAR 333-333-3010 to its original function as a rule governing curriculum approval rather than an interagency licensing framework.

Legislative Redline

Subsection (4)

Current Rule:

«(4) A training program must, within 180 calendar days of receiving curriculum approval, provide documentation to the Authority, in the form and manner prescribed by the Authority, one of the following:

- (a) Documentation demonstrating the program has applied for licensure from the Higher Education Coordinating Commission and the application remains pending;
- (b) Proof of current licensure from the Higher Education Coordinating Commission as a career school; or
- (c) Documentation from the Higher Education Coordinating Commission that the applicant is not required to be licensed as a career school.»

Proposed Amendment:

«Delete subsection (4) in its entirety.»

Subsection (5)(c)

Current Rule:

«(c) A training program fails to comply with the requirements of section (4) of this rule.»

Proposed Amendment:

«Delete subsection (5)(c).»

Subsection (5)(d)

Current Rule:

«(d) The Higher Education Coordinating Commission denies a training program's application for licensure under applicable laws in ORS chapter 345 or ORS chapter 348.»

Proposed Amendment:

«Delete subsection (5)(d).»

Subsection (5)(e)

Current Rule:

«(e) A training program fails to maintain its approval status with the Higher Education Coordinating Commission in accordance with applicable law governing the type of school or institution.»

Proposed Amendment:

«Delete subsection (5)(e).»

Explanation of the Primary Proposal

The curriculum approval process originally adopted through PH 74-2022 implemented the Authority's statutory responsibilities under ORS chapter 475A without conditioning curriculum approval upon documentation, licensure, or continuing regulatory actions administered by HECC.

Practical implementation has demonstrated that the HECC-related provisions added after PH 74-2022 fundamentally changed the operation of the rule by making HECC documentation and regulatory status independent conditions of obtaining and maintaining curriculum approval. The administrative record developed during more than three years of implementation demonstrates that those provisions have generated substantial regulatory uncertainty, unnecessary administrative burden, repeated administrative proceedings, litigation, significant compliance costs, and considerable public expense.

Restoring the original framework would preserve every substantive aspect of the Authority's authority to review curricula, approve training programs, conduct investigations, deny or revoke approvals, and protect the public, while eliminating provisions that have proven unnecessarily complex and costly to administer.

B. Alternative Proposal — Limit HECC Requirements to Training Programs Legally Required to Obtain Licensure

If the Authority determines that complete restoration of the PH 74-2022 framework is not appropriate, Petitioner respectfully requests the following alternative amendments.

The alternative proposal recognizes the distinction established by ORS chapter 345 between training programs legally required to obtain career school licensure and those qualifying for statutory exemptions under ORS 345.015.

Under this proposal, HECC licensure requirements would continue to apply where required by law, while exempt training programs would demonstrate the factual basis for their statutory exemption directly to the Authority.

Proposed Amendment to Subsection (4)

Replace subsection (4) with the following:

«(4) Within 180 calendar days of receiving curriculum approval, a training program shall provide documentation to the Authority, in the form and manner prescribed by the Authority, demonstrating compliance with applicable provisions of ORS chapter 345.

(a) A training program legally required to obtain career school licensure shall provide one of the following:

(A) Documentation demonstrating that an application for licensure has been submitted and remains pending;

(B) Proof of current licensure issued by the Higher Education Coordinating Commission.

(b) A training program claiming exemption under ORS 345.015 shall provide documentation reasonably demonstrating the factual basis for the claimed statutory exemption. The Authority may request additional information reasonably necessary to evaluate the claimed exemption. Documentation, determinations, or verification issued by the Higher Education Coordinating Commission shall not be required unless expressly required by ORS chapter 345.»

Proposed Amendment to Subsection (5)(c)

Replace subsection (5)(c) with:

«(c) A training program required by law to obtain career school licensure fails to comply with subsection (4)(a), or a training program claiming exemption under ORS 345.015 fails to provide documentation reasonably sufficient to demonstrate the factual basis for the claimed exemption.»

Proposed Amendment to Subsection (5)(d)

Replace subsection (5)(d) with:

«(d) The Higher Education Coordinating Commission denies a required application for career school licensure under ORS chapter 345 or ORS chapter 348.»

Proposed Amendment to Subsection (5)(e)

Replace subsection (5)(e) with:

«(e) A training program legally required to maintain career school licensure fails to maintain that required licensure.»

Explanation of the Alternative Proposal

The alternative proposal preserves coordination between the Authority and HECC where the Legislature has required career school licensure, while recognizing that ORS 345.015 establishes statutory exemptions that operate according to their terms.

Training programs legally required to obtain licensure would remain subject to the existing HECC requirements. Training programs qualifying for statutory exemptions would no longer be required to obtain HECC determinations or verification that are not expressly required by statute. Instead, they would demonstrate the factual basis for their exemption directly to the Authority, allowing the Authority to verify compliance with applicable law without conditioning curriculum approval upon administrative processes that may not exist.

This alternative preserves the Authority's oversight of facilitator education while substantially reducing unnecessary regulatory burden, administrative complexity, interagency conflict, compliance costs, and public expense. It also more closely aligns OAR 333-333-3010 with the statutory distinctions established by the Legislative Assembly in ORS chapter 345.

XIII. Why Rulemaking Should Be Initiated

The Oregon Health Authority is not merely authorized to amend OAR 333-333-3010—it is uniquely positioned to evaluate whether more than three years of implementation demonstrates that the current rule continues to represent the most effective means of carrying out the Authority's statutory responsibilities. The administrative record developed since adoption of the HECC-related amendments provides a substantial basis for reconsideration of those provisions through the rulemaking process established by ORS 183.390.

A. Consistency with Legislative Purpose

The primary proposal most faithfully implements the statutory framework established by Measure 109 and codified in ORS chapter 475A.

Measure 109 assigned the Authority responsibility for establishing standards governing psilocybin facilitator education and approving training program curricula meeting those standards. The curriculum approval framework originally adopted through PH 74-2022 directly implemented that responsibility by focusing the Authority's review on curriculum quality, instructor qualifications, and compliance with the educational standards adopted under Division 333.

The HECC-related amendments adopted after PH 74-2022 expanded the scope of the rule beyond curriculum review by making documentation, licensure, and continuing regulatory actions administered under ORS chapter 345 independent conditions of curriculum approval. While intended to address compliance with Oregon's career school laws, those amendments also fundamentally changed the operation of the curriculum approval process.

Restoring the original framework would return OAR 333-333-3010 to a rule primarily governing curriculum approval, consistent with the Authority's responsibilities under ORS chapter 475A. Alternatively, limiting HECC-related requirements to entities legally required to obtain career school licensure would more closely align the rule with the statutory distinctions established by the Legislature in ORS 345.015.

B. Administrative Efficiency

The Authority's experience administering OAR 333-333-3010 demonstrates that the HECC-related amendments have substantially increased the complexity and cost of administering the training program rules.

The administrative record reflects years of agency correspondence, requests for clarification, declaratory ruling petitions, rulemaking petitions, contested case proceedings, judicial review, and interagency coordination concerning implementation of the HECC-related provisions. Those proceedings have required significant commitments of agency staff time and public resources while leaving fundamental implementation questions unresolved.

Restoring the curriculum approval framework adopted through PH 74-2022 would substantially simplify administration by returning the Authority's review to the matters it is expressly charged with evaluating under ORS chapter 475A. The alternative proposal would likewise improve administrative efficiency by limiting HECC-related requirements to the entities for which career school licensure is legally required.

Either proposal would reduce unnecessary administrative burden while preserving the Authority's regulatory oversight of facilitator education.

C. Public Interest

The proposed amendments promote the public interest by preserving robust oversight of facilitator education while reducing unnecessary regulatory burdens and improving regulatory clarity.

The Authority would retain its existing authority to establish curriculum standards, review applications, approve and revoke curricula, investigate violations, and protect the public through regulation of psilocybin training programs. None of those responsibilities would be diminished by the proposed amendments.

At the same time, restoring the original framework—or narrowing the current rule to reflect the statutory distinctions established by ORS chapter 345—would reduce unnecessary costs imposed upon applicants, simplify compliance, improve predictability, and reduce the likelihood of future administrative disputes and litigation.

The public interest is served when regulatory requirements are clear, administrable, proportionate to the statutory objectives they implement, and capable of being applied consistently across similarly situated entities.

D. Sound Regulatory Policy

Sound administrative rules should faithfully implement legislative enactments while remaining practical to administer over time. Agencies routinely revisit administrative rules when implementation demonstrates that amendments are necessary to improve efficiency, eliminate unnecessary burdens, clarify requirements, or better accomplish statutory objectives.

Practical experience under the current version of OAR 333-333-3010 demonstrates that the HECC-related amendments have produced significant unintended consequences. Those consequences include increased administrative complexity, recurring uncertainty regarding implementation, duplicative interagency processes, repeated administrative proceedings, litigation, and substantial expenditures of both public and private resources.

Administrative rules should accomplish their statutory purpose, avoid unnecessary complexity, minimize duplication between agencies, provide regulated entities with practical and ascertainable pathways to compliance, and be revised when implementation demonstrates that alternative approaches would better serve the public interest.

The original curriculum approval framework adopted through PH 74-2022 more closely reflects those principles than the current version of OAR 333-333-3010. It successfully implemented the Authority's statutory responsibility to regulate facilitator education without the HECC-related provisions that later became the source of recurring administrative disputes.

E. Alternative Proposal

If the Authority concludes that complete restoration of the PH 74-2022 framework is not appropriate, Petitioner respectfully submits the alternative proposal as a measured and legally sound means of addressing the same concerns.

That proposal preserves coordination with the Higher Education Coordinating Commission where career school licensure is legally required while recognizing that ORS 345.015 establishes statutory exemptions that apply according to their terms. It preserves the Authority's ability to verify compliance with applicable law while eliminating unnecessary documentation requirements imposed upon exempt entities.

Whether the Authority adopts the primary proposal or the alternative proposal, the record developed over more than three years demonstrates that amendment of OAR 333-333-3010 is warranted. Either approach would better align the rule with the governing statutory framework, improve administrative efficiency, reduce unnecessary public and private expense, and promote consistent, predictable administration of Oregon's psilocybin training program approval process.

XIV. Requested Rulemaking

For the reasons set forth in this petition, Petitioner respectfully requests that the Oregon Health Authority:

1. Accept this petition pursuant to ORS 183.390 and OAR 137-001-0070;
2. Initiate rulemaking to amend OAR 333-333-3010 and any related rules necessary to implement the proposed amendments;
3. Provide public notice and receive public comment as required by Oregon law;
4. Consider the primary proposal to restore OAR 333-333-3010 substantially to the curriculum approval framework adopted through PH 74-2022;
5. Alternatively, consider the proposed amendments limiting HECC-related documentation, licensure, and continuing compliance requirements to training programs legally required to obtain career school licensure under ORS chapter 345 or ORS chapter 348; and
6. Adopt any conforming amendments necessary to ensure that the training program curriculum approval process is clear, administrable, and consistent with ORS chapter 475A and Measure 109.

Petitioner respectfully requests that the Authority grant this petition and initiate rulemaking.

DATED: July 6, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shasta Winn', is written over a horizontal line.

Shasta Winn