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**PERMANENT ADMINISTRATIVE ORDER**

**BLPCT 1-2024**

CHAPTER 833

MENTAL HEALTH REGULATORY AGENCY

OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

**FILED**

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FILING CAPTION: Professional Disclosure Statement (PDS) requirements and exemptions for licensees, temporary practitioners, and registered associates.

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**RULES:**

833-020-0061, 833-050-0021, 833-050-0031, 833-050-0041, 833-075-0050

AMEND: 833-020-0061

RULE TITLE: Re-Licensure Method

NOTICE FILED DATE: 10/09/2023

RULE SUMMARY: Removes language regarding PDS exemption request in conformance with changes to OAR 833-075-0050.

**RULE TEXT:**

- (1) The re-licensure method is required for applicants who were previously licensed by the Board within the last two years of their new application submission. The re-licensure method requires the applicant, as a previous Board licensee, to request a new license with a new license number, but without documenting further supervised clinical experience.
- (2) To be considered for re-licensure, all of the following items must be received:
  - (a) An application for re-licensure, in a form and manner prescribed by the Board, which must include complete and truthful responses to all of the questions regarding character and fitness, the applicant's current information and status, and any other information requested by the Board.
  - (b) The current application fee plus one current renewal fee;
  - (c) Updated proposed professional disclosure statement if required by OAR 833-075-0050;
  - (d) Report of at least the minimum continuing education activities required in OAR Chapter 833, Division 80 completed within two years prior to the date the Board will issue the new license; and
  - (e) Disclosure as to whether the applicant has engaged in the unlicensed practice of professional counseling or marriage and family and therapy during the period since their previous license expired.
- (3) To be considered for licensure more than two years after the expiration date of the prior license, an applicant must request a new license with a new license number by reapplying for licensure using the method of application that applies to their current situation under OAR 833-020-0021.

(4) All applicants for re-licensure must successfully pass the current Oregon law and rules examination.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0021

RULE TITLE: Application for Associate Registration

NOTICE FILED DATE: 10/09/2023

RULE SUMMARY: Updates language regarding PDS exemption in conformance with changes to OAR 833-050-0031.

RULE TEXT:

(1) An applicant for registration must:

- (a) Meet all registration requirements in effect at the time the application is submitted;
- (b) Request registration on Board approved forms;
- (c) Unless exempted, submit a professional disclosure statement for board approval as specified in OAR 833-050-0031;
- (d) Submit an application fee as specified in OAR 833-070-0011;
- (e) Meet the educational requirements for licensure according to OAR 833-030-0011 (Professional Counselor Associate) and/or 833-040-0011 (Marriage and Family Therapy Associate);
- (f) Agree to complete supervised clinical experience hours to meet the total number of hours required for licensure; and
- (g) Abide by the Board's laws and rules.

(2) Applicants for professional counselor and marriage and family therapist must pay a fee for each license.

(3) Associate registration status is a transitional step toward licensure and is not intended as a means to avoid licensure. Applicants approved for registration as an associate will have five years to complete the supervised direct client contact hours necessary for licensure or for examination. Failure to meet the experience requirements for licensure within five years will result in expiration of registration and closure of the application file. The registered associate may petition the Board to allow extension of registration for up to one year beyond the maximum five years if the registered associate can show good cause for such extension.

(4) Former applicants who re-apply may transfer direct client contact hours accrued under a board-approved plan to their new plan.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0031

RULE TITLE: Registered Associate Professional Disclosure Statement (PDS)

NOTICE FILED DATE: 10/09/2023

RULE SUMMARY: Changes the registered associate PDS requirements by modifying the content, expanding the distribution exemptions, and creating new categorical exemptions to Board approval. Restructures the rule and makes other minor revisions for clarity.

RULE TEXT:

(1) Professional Disclosure Statement (PDS) Content. The PDS must include the following information required by this section and ORS 675.755:

- (a) Name, business address and telephone number;
- (b) Name of the registered associate's supervisor(s);
- (c) Philosophy and approach to counseling or marriage and family therapy;
- (d) Formal education and training, including title of highest relevant degree and the school that granted the degree;
- (e) Supervision requirements;
- (f) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;
- (g) Fee schedule;
- (h) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon registered associates have the right:
  - (A) To expect that a registered associate has met the minimum qualifications of training and experience required by state law;
  - (B) To examine public records maintained by the Board and to have the Board confirm credentials of a registered associate;
  - (C) To obtain a copy of the Code of Ethics;
  - (D) To report complaints to the Board;
  - (E) To be informed of the cost of professional services before receiving the services;
  - (F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Registered associates must include an explanation of each exception to confidentiality; and
  - (G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.
- (i) The Board's name, address, telephone number, and email address; and
- (j) A statement indicating the following: "Additional information about this registered associate is available on the Board's website: [www.oregon.gov/obl/pct](http://www.oregon.gov/obl/pct)."

(2) PDS Distribution. Unless exempt under subsection (d), below, registered associates must provide each client with a PDS consistent with section (1) of this rule.

- (a) When providing a PDS via electronic communication, registered associates must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.
- (b) The PDS must be accessible to people with disabilities.
- (c) Registered associates must make a reasonable effort to assist the client to understand the information in the PDS.
- (d) The PDS distribution requirements of this section do not apply to:
  - (A) Registered associates who are not practicing professional counseling or marriage and family therapy in Oregon;
  - (B) Registered associates whose practice is:
    - (i) Providing crisis response;
    - (ii) Serving residential psychiatric patients only;
    - (iii) Employment by a correctional institution; or
    - (iv) Employment by a local, state or federal government agency, a public university listed in ORS 352.002, an organization licensed or certified by the Oregon Health Authority, or a group practice if the employer supplies a PDS,

informed consent, or equivalent document(s) containing the information required in section (1) of this rule. Upon a request by the Board, registered associates must provide a copy of such document(s) within ten (10) days.

(e) Unless exempted under subsection (d), above, a registered associate who fails to provide a PDS may not charge the client a fee for services

(3) Board Approval of PDS. Whenever a registered associate adds or changes a PDS, the new statement must be provided to the Board for approval, except:

(a) If the registered associate is exempt from the PDS distribution requirements under subsection (2)(d) of this rule; or

(b) If the only changes to the PDS are to the PDS contents described in subsections (1)(a), (1)(b), (1)(e), (1)(g), or (1)(i) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

REPEAL: 833-050-0041

RULE TITLE: Registered Associate Professional Disclosure Statement and Informed Consent Waiver

NOTICE FILED DATE: 10/09/2023

RULE SUMMARY: Deletes the PDS exemption provisions that are now incorporated into OAR 833-050-0031 as amended.

RULE TEXT:

Requests for exemptions to the professional disclosure statement and informed consent distribution requirements must be submitted in writing to the Board. The Board may grant written exemptions if:

- (1) The registered associate can satisfy the Board that there is good cause to be exempt from specific requirements; or
- (2) The registered associate is providing crisis response counseling or therapy.

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-075-0050

RULE TITLE: Professional Disclosure Statement (PDS)

NOTICE FILED DATE: 10/09/2023

RULE SUMMARY: Changes the licensee and temporary practitioner PDS requirements by modifying the content, expanding the distribution exemptions, and creating new categorical exemptions to Board approval. Restructures the rule and makes other minor revisions for clarity.

RULE TEXT:

(1) Professional Disclosure Statement (PDS) Content. The PDS must include the following information required by this section and ORS 675.755:

(a) Name, business address and telephone number;

(b) Philosophy and approach to counseling or marriage and family therapy;

(c) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR chapter 833, division 100;

(d) A bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:

(A) To expect that a licensee or temporary practitioner has met the minimum qualifications of training and experience required by state law;

(B) To examine public records maintained by the Board and to have the Board confirm credentials of a licensee or temporary practitioner;

(C) To obtain a copy of the Code of Ethics;

(D) To report complaints to the Board;

(E) To be informed of the cost of professional services before receiving the services;

(F) To be assured of privacy and confidentiality while receiving services as defined by rule or law. Licensees and temporary practitioners must include an explanation of each exception to confidentiality; and

(G) To be free from being the object of discrimination on any basis listed in the Code of Ethics while receiving services.

(e) Formal education and training, including title of highest relevant degree earned and school granting degree;

(f) Oregon licensure requirements for continuing education and supervision;

(g) Fee schedule;

(h) A statement indicating the following: "Additional information about this counselor or therapist is available on the Board's website: [www.oregon.gov/oblpcct](http://www.oregon.gov/oblpcct)"; and

(i) The Board's name, address, telephone number, and email address.

(2) PDS Distribution. Unless exempted under subsection (d), below, licensees and temporary practitioners must provide each client with a PDS consistent with section (1) of this rule.

(a) When providing a PDS via electronic communication, licensees and temporary practitioners must ensure a means of documenting confirmation of receipt and acknowledgement of the PDS.

(b) Licensees and temporary practitioners must make a reasonable effort to assist the client to understand the information presented in the PDS.

(c) The PDS must be accessible to people with disabilities.

(d) The PDS distribution requirements of this section do not apply to:

(A) Licensees on inactive status or not practicing professional counseling or marriage and family therapy in Oregon;

(B) Licensees and temporary practitioners whose practice is:

(i) Providing crisis response;

(ii) Serving residential psychiatric patients only;

(iii) Employment by a correctional institution; or

(iv) Employment by a local, state or federal government agency, a public university listed in ORS 352.002, an organization licensed or certified by the Oregon Health Authority, or a group practice if the employer supplies a PDS,

informed consent, or equivalent document(s) containing the information required in section (1) of this rule. Upon a request by the Board, licensees and temporary practitioners must provide a copy of such document(s) within ten (10) days.

(e) Unless exempted under subsection (d), above, a licensee or temporary practitioner who fails to provide a PDS may not charge the client a fee for services.

(3) Board Approval of PDS.

(a) An applicant for licensure or temporary practice must submit a PDS for Board approval upon application for a license, except those who are exempt from the PDS distribution requirements under subsection (2)(d) of this rule or those who have not yet identified any practice site in Oregon at the time of application, who may submit their PDS for approval at a later date, prior to beginning practice.

(b) Whenever a licensee or temporary practitioner adds or changes a PDS, the new statement must be presented to the Board for approval, except:

(A) If the licensee or temporary practitioner is exempt from the PDS distribution requirements under subsection (2)(d) of this rule; or

(B) If the only changes to the PDS are to the PDS contents described in subsections (1)(a), (1)(f), (1)(g), or (1)(i) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.785, ORS 675.755