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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 833

MENTAL HEALTH REGULATORY AGENCY

OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

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FILING CAPTION: Sanction schedule for continued practice following license or registration lapse.

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RULES:

833-050-0131, 833-075-0020

AMEND: 833-050-0131

RULE TITLE: Associate Registration Renewal

NOTICE FILED DATE: 12/06/2023

RULE SUMMARY: Specifies the minimum disciplinary action the Board will take when a former registered associate allows their registration to lapse and continues to practice unregistered in violation of the law.

RULE TEXT:

- (1) A registered associate must renew registration annually each year following initial registration. Annual renewal is due by the first day of the month of initial registration to be considered timely.
- (2) Registration renewal requires the registered associate to provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms, and an updated Professional Disclosure Statement if there have been changes.
- (3) Late Renewal. A registered associate may renew a registration after the first day of the month but within the renewal month by, in addition to completing the requirement in section (2) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the associate registration will be expired. Expired registered associates must reapply pursuant to OAR 833-020-0071 in order to practice as a registered associate or be considered for licensure.
- (4) Renewal may be denied if any of the conditions of the plan are not being met.
- (5) Registered associates must renew registration annually until being granted a license or the expiration or denial of associate registration.
- (6) A former registered associate who allows their registration to lapse, and continues to practice professional counseling or marriage and family therapy unregistered in violation of ORS 675.825(1)(d), is subject to disciplinary action, to include but not limited to the following sanctions:
 - (a) If the person practices during the period of 1-30 days following registration lapse: \$100 civil penalty and assessment of costs of the disciplinary process (if any);

(b) If the person practices during the period of 31-60 days following registration lapse: \$250 civil penalty and assessment of costs of the disciplinary process (if any);

(c) If the person practices during the period of 61-90 days following registration lapse: \$500 civil penalty, reprimand, and assessment of costs of the disciplinary process (if any);

(d) In addition to section (c), for each additional 30-day period in which the person practices following 91 days of registration lapse, the Board shall assess an additional \$250 civil penalty and assess the costs of the disciplinary process (if any).

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-075-0020

RULE TITLE: License Renewal/Late Renewal

NOTICE FILED DATE: 12/06/2023

RULE SUMMARY: Specifies the minimum disciplinary action the Board will take when a former licensee allows their license to lapse and continues to practice unlicensed in violation of the law.

RULE TEXT:

(1) Before the Board will renew a license, a licensee must, no more than 45 days before or during the renewal month:

(a) Submit a completed renewal form provided by the Board which will include responses to all character and fitness questions and a sworn statement that there is no reason for denial of renewal;

(b) Pay the appropriate renewal fee;

(c) Submit continuing education information detailing compliance with the requirements, if applicable;

(d) Submit an updated professional disclosure statement, if there have been changes or if renewal information indicates that the one on file with the Board contains false, incomplete, outdated or misleading information; and

(e) Complete the required healthcare workforce data survey and pay the fee established by the Oregon Health Authority pursuant to ORS 676.410.

(2) Late Renewal. A licensee may renew a license in the month following the renewal month by, in addition to completing the requirements of section (1) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the license shall lapse.

(3) The licensee holds the burden of proof of submission of the items required for renewal. Failure to receive a courtesy reminder from the Board shall not relieve a licensee of the renewal requirements and consequences.

(4) The Board shall have discretion to waive the delinquent fee in cases of documented hardship.

(5) A former licensee who allows their license to lapse, and continues to practice professional counseling or marriage and family therapy unlicensed in violation of ORS 675.825(1)(d), is subject to disciplinary action, to include but not limited to the following sanctions:

(a) If the person practices during the period of 1-30 days following license lapse: \$250 civil penalty and assessment of costs of the disciplinary process (if any);

(b) If the person practices during the period of 31-60 days following license lapse: \$500 civil penalty and assessment of costs of the disciplinary process (if any);

(c) If the person practices during the period of 61-90 days following license lapse: \$1,000 civil penalty, reprimand, and assessment of costs of the disciplinary process (if any);

(d) In addition to section (c), for each additional 30-day period in which the person practices following 91 days of license lapse, the Board shall assess an additional \$500 civil penalty and assess the costs of the disciplinary process (if any).

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.410

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835, ORS 676.410