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**PERMANENT ADMINISTRATIVE ORDER**

**BLPCT 5-2024**

CHAPTER 833

MENTAL HEALTH REGULATORY AGENCY

OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

**FILED**

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FILING CAPTION: Professional disclosure statement submission to the Board; renewal information.

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**RULES:**

833-020-0011, 833-020-0061, 833-050-0021, 833-050-0031, 833-050-0131, 833-050-0161, 833-075-0020, 833-075-0050, 833-075-0060

AMEND: 833-020-0011

RULE TITLE: Applications

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement to submit a professional disclosure statement to the Board as part of licensure application.

**RULE TEXT:**

- (1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board in a form and manner prescribed by the Board.
- (2) Application for licensure must include gender, date of birth, social security number, practice and residence addresses, email address, similar licenses held in other states, and history of professional discipline, litigation, and criminal involvement and be accompanied by:
  - (a) The non-refundable application fee;
  - (b) Official transcript sent directly to the Board from the college or university and supporting documentation as necessary showing education requirements have been met;
  - (c) Documentation to prove experience requirements have been met or request for registration as an associate with a proposed plan to obtain required experience;
  - (d) Verification that approved examination has been passed, or state examination is being requested (if applicable);
  - (e) Criminal history information as specified in OAR 833-120-0021; and
  - (f) Other clarifying information requested by the Board.
- (3) Applicants will be allowed one year from application submission complete their application file, which documents that the applicant meets the educational requirements, examination requirements (except for associate registration method), and experience qualifications (if applicable) for licensure.

(4) Failure to withdraw the application or complete the process within the allowed time will result in closure of the file.

An incomplete application includes but is not limited to an application in which:

(a) Required information or original signatures are not provided;

(b) Required forms are not submitted; or

(c) No fee or an insufficient fee is received.

(5) Applicants who complete their application file but are not approved for registration, examination, or licensure will be notified in writing that the application is being denied and state the reason(s) for denial.

(6) To be reconsidered for licensure, applicants who failed to become licensed, who were refused licensure, who withdrew from consideration, or associates who have allowed their registration to expire will be required to file a new application, fee, and resubmit all documentation necessary to meet the standards for licensure in effect at the time of reapplication. Applicants reapplying must fulfill any deficiencies that are the result of changes to requirements that may have been implemented between former and current application.

(7) An applicant must notify the Board immediately, but not less than within 30 days, if any information submitted on the application changes, including but not limited to: name, address, email address, telephone number, complaints, disciplinary actions, litigation, criminal involvement, and employment investigations which results in disciplinary action. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-020-0061

RULE TITLE: Re-Licensure Method

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement to submit a professional disclosure statement to the Board as part of re-licensure application.

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) 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
  - (d) 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: 04/09/2024

RULE SUMMARY: Removes requirement to submit a professional disclosure statement to the Board as part of associate registration application.

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) Submit an application fee as specified in OAR 833-070-0011;

(d) 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);

(e) Agree to complete supervised clinical experience hours to meet the total number of hours required for licensure; and

(f) 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: 04/09/2024

RULE SUMMARY: Removes requirement for registered associates to submit to the Board additional or updated professional disclosure statements and deletes submission exemptions.

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.

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

STATUTES/OTHER IMPLEMENTED: ORS 675.785 - 675.835

AMEND: 833-050-0131

RULE TITLE: Associate Registration Renewal

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement for registered associates to submit to the Board updated professional disclosure statements at renewal. Updates and clarifies online renewal submission process.

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 submit an application for registration renewal in a form and manner prescribed by the Board, which must include the renewal fee, complete and truthful responses to all of the questions regarding character and fitness, clinical supervised experience, registrant's current information and status, and any other questions.

(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: 833-050-0161

RULE TITLE: Current Information to Board

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement for registered associates to provide to the Board updated professional disclosure statements.

RULE TEXT:

(1) All registered associates must provide current contact information to the Board, including:

(a) Physical residence address and post office box, if applicable;

(b) Electronic mail address;

(c) Home and work telephone numbers; and

(d) Any nickname or alternative personal name used by the individual.

(2) Registered associates must inform the Board office of any changes to information within 30 days of the change in a form and manner prescribed by the Board.

(3) Registered associates must submit a change of name in a form and manner prescribed by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

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: 04/09/2024

RULE SUMMARY: Removes requirement for licensees to submit to the Board updated professional disclosure statements at renewal. Updates and clarifies online renewal submission process.

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 an application for renewal in a form and manner prescribed by the Board, which must include complete and truthful responses to all questions regarding continuing education, character and fitness, licensee's current information and status, and any other 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; and

(d) 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

AMEND: 833-075-0050

RULE TITLE: Professional Disclosure Statement (PDS)

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement for licensees and temporary practitioners to submit to the Board additional or updated professional disclosure statements, and for applicants to submit professional disclosure statement to the Board for approval along with the application. Deletes professional disclosure statement submission exemptions.

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/obl/pct](http://www.oregon.gov/obl/pct)"; 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.

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.785, ORS 675.755

AMEND: 833-075-0060

RULE TITLE: Current Information to Board

NOTICE FILED DATE: 04/09/2024

RULE SUMMARY: Removes requirement for licensees to provide to the Board updated professional disclosure statements.

RULE TEXT:

(1) All licensees must provide current contact information to the Board, including:

(a) Physical residence address and post office box, if applicable;

(b) Electronic mail address;

(c) Home and work telephone numbers; and

(d) Any nickname or alternative personal name used by the individual.

(2) Licensees must inform the Board of any changes to information within 30 days of the change in a form and manner prescribed by the Board.

(3) Licensees must submit a change of name in a form and manner prescribed by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

STATUTORY/OTHER AUTHORITY: ORS 675.785

STATUTES/OTHER IMPLEMENTED: ORS 675.755, 675.785