

Chapter 833 Board of Licensed Professional Counselors and Therapists

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DIVISION 130

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DIVISION 1

PROCEDURAL

833-001-0000

Notice of Proposed Rulemaking

Prior to the adoption, amendment, or repeal of any rule, the Board of Licensed Professional Counselors and Therapists must:

(1) Publish notice of the adoption, amendment, or repeal in the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.

(2) Deliver by electronic or postal mail such notice to persons on the Board of Licensed Professional Counselors and Therapists mailing list established pursuant to ORS 183.335(1)(c), and deliver by electronic mail to the legislators specified in 183.335(1)(d) at least 49 days before the effective date of the rule.

(3) Deliver by electronic mail such notice to the following:

- (a) United Press International and Associated Press;
- (b) Oregon Counseling Association;
- (c) Oregon Chapter of the American Association of Marriage and Family Therapists; and
- (d) Oregon college and university departments offering graduate degrees in counseling and marriage and family therapy.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 183.341

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 2-1992, f. 11-30-92, cert. ef. 12-1-92; LPCT 1-1994, f. 12-30-94, cert. ef. 1-1-95; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2016, f. & cert. ef. 8-8-16

833-001-0005

Model Rules of Procedure

The most current Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act, are by this reference adopted as the rules of procedure of the Board of Licensed Professional Counselors and Therapists and must be controlling except as otherwise required by statute or rule.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 183.341

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 2-1992, f. 11-30-92, cert. ef. 12-1-92; LPCT 1-1994, f. 12-30-94, cert. ef. 1-1-95; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01; BLPCT 1-2010, f. & cert. ef. 1-5-10

833-001-0010

Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases

In addition to the requirements stated in OAR 137-003-0000 of the Attorney General's Model Rules of Procedure adopted by 833-001-0005, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be required, and if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of 833-001-0015 with the notice.

Stat. Auth.: ORS 675

Stats. Implemented: ORS 183

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; BLPCT 1-2010, f. & cert. ef. 1-5-10

833-001-0015

Hearing Request and Answers; Consequences of Failure to Answer

(1) A hearing request must be made in writing to the Board by the party or the party's attorney within 21 calendar days after the date the notice was issued.

(2) If an answer is required, it must be made in writing to the Board by the party or the party's attorney within 21 calendar days after the date the notice was issued and must include the following:

(a) An admission or denial of each factual matter alleged in the notice;

(b) A short and plain statement of each relevant affirmative defense the party may have.

(3) Except for good cause:

(a) Factual matters alleged in the notice and not denied in the answer will be presumed admitted;

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(c) New matters alleged in the answer (affirmative defenses) will be presumed to be denied by the agency; and

(d) Evidence will not be taken on any issue not raised in the notice and the answer.

(4) Contested case hearings are closed to the public.

Stat. Auth.: ORS 675

Stats. Implemented: ORS 183.413

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2016, f. & cert. ef. 8-8-16

833-001-0020

Obtaining Information

(1) The Board will provide the following information to members of the public in response to in-person or telephone inquiries regarding a particular applicant, registered intern, or licensee: name, license/registration number, date licensed/registered, if license/registration is active or expired, business address and telephone number, summary of education and experience, and if there are or have been any disciplinary actions proposed by the Board plus the status, disposition, or resolution of the proposed disciplinary actions, unless otherwise subject to or prohibited by law, statute, rule or regulation.

(2) Requests for any information other than that listed in section (1) of this rule, including written verifications of licensure, may be required to be in writing, and may require payment for copies of documents.

(3) Pursuant to ORS 676.175, information regarding complaints against or information obtained through investigations into the conduct of licensees, non-licensed individuals, or applicants for licensure will not be disclosed.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 192

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 2-1992, f. 11-30-92, cert. ef. 12-1-92; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01; BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2016, f. & cert. ef. 8-8-16

DIVISION 10

DEFINITIONS

833-010-0001

Definitions

The definitions of terms used in ORS 675.705 to 675.835 and these administrative rules of the Board are:

(1) "AAMFT" means the American Association for Marriage and Family Therapy.

(2) "Accredited program" means the graduate program is fully accredited by COAMFTE, CACREP, or CORE.

(3) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.

(4) "Board approved program" means a graduate program that the Board had found to be comparable to an accredited program.

(5) “CACREP” means the Council for Accreditation of Counseling and Related Educational Programs.

(6) “CRCC” means the Commission on Rehabilitation Counselor Certification.

(7) “Client record” means any information maintained in a written or electronic form about a client.

(8) “Clinical experience” means the professional practice of applying principles and methods to provide assessment, diagnosis, and treatment of individuals and families with mental health disorders.

(9) “COAMFTE” means the Commission on Accreditation of Marriage and Family Therapy Education.

(10) “CORE” means the Council on Rehabilitation Education.

(11) “Direct client contact hours” means only those clinical experience hours that are therapeutic or a combination of assessment and subsequent therapeutic interactions.

(12) “Distance learning” means coursework, or training that does not involve attending a presentation or program in the presence of the instructor or facilitator and other courses through electronic communication.

(13) “Distance Services” means any use of technology that replaces face to face delivery of counseling or therapy service. Such technologies include, but are not limited to, use of computer hardware and software, telephones, the internet, online assessment instruments and other communication devices.

(14) “Electronic communication” means communication through use of videoconference, telephone, teleconference, internet, electronic mail, chat-based, or video-based.

(15) “Equivalent” means comparable in content and quality, but not identical.

(16) “Hour Equivalents” means that when requirements for licensure are given in quarter hours, the following formula will be used to determine equivalent hours:

(a) Two semester hours is equal to three quarter hours;

(b) One semester is equal to 1.5 quarters;

(c) One quarter credit hour equals 10 clock hours;

(d) One semester credit hour equals 15 clock hours.

(17) “Intern registration plan” means a written description of post-graduate supervised work experience activities an applicant must complete to qualify for a license as a professional counselor or marriage and family therapist.

(18) “LMFT” means licensed marriage and family therapist.

(19) “LPC” means licensed professional counselor.

(20) “NBCC” means the National Board for Certified Counselors.

(21) “Official transcript” means a document certified by an accredited college or university indicating degree earned, hours and types of coursework, examinations and scores, completed by the student; and submitted by the school to the Board.

(22) “Practicing” means engaging in any of the activities listed in the definitions of marriage and family therapy and professional counseling set forth in ORS 675.705, including but not limited to providing clinical supervision to another mental health professional who is providing counseling or therapeutic services to clients.

(23) “Receipt” means the date received by the Board office as shown by US Postal Service postmark, or date received stamp if document was not mailed or without postmark.

(24) “Regional accrediting agency” means of one of the regional institutional accreditation bodies recognized by the United States Secretary of Education and established to accredit senior institutions of higher education.

(25) “Registered intern” means an applicant for licensure who has met the educational requirement for licensure, and is in the process of obtaining the required supervised work experience under a registration plan approved by the Board.

(26) “Supervision” means a professional relationship between a qualified supervisor and an intern, counselor, or therapist during which the supervisor provides guidance and professional skill development and oversight to the intern, counselor or therapist.

Stat. Auth.: ORS 675.715 & 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 2-1992, f. 11-30-92, cert. ef. 12-1-92; LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12; BLPCT 3-2016, f. & cert. ef. 8-8-16

DIVISION 20

APPLICATION METHODS

833-020-0011

Applications

(1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board and be on forms provided 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 intern with a proposed plan to obtain required experience;

(d) Verification that approved examination has been passed, or state examination is being requested;

(e) Proposed professional disclosure statement for review and approval;

(f) Criminal history information as specified in OAR 833-120-0021; and

(g) Other clarifying information requested by the Board.

(3) Applicants will be allowed one year from Board receipt of an application to file a completed application which documents that the applicant meets the educational and experience qualifications 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) The Board retains the right to extend the one year period to complete application for good cause.

(6) Applicants who submit complete documentation 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.

(7) To be reconsidered for licensure, applicants who failed to become licensed, who were refused licensure, who withdrew from consideration, or interns 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.

(8) 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.

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

Stats. Implemented: ORS 675.785 - 675.835

Chapter 833 Board of Licensed Professional Counselors and Therapists

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2011, f. 1-13-11, cert. ef. 2-1-11; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0021

Methods of Application

(1) Applications for licensure must indicate one of the following:

(a) Intern registration method pursuant to OAR 833 Division 50;

(b) Direct method pursuant to OAR 833-020-0041;

(c) Reciprocity method pursuant to OAR 833-020-0051;

(d) Re-licensure method pursuant to OAR 833-020-0061; or

(e) Reapplication method pursuant to OAR 833-020-0071.

(2) Applicants may request permission to change their method of application or license requested without re-application if they do so within the year allowed to complete application.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2012, f. 4-23-12, cert. ef. 5-15-12; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0041

Direct Method

(1) The direct method is required for applicants who seek acceptance of supervised clinical experience completed in another jurisdiction or in Oregon before June 30, 2002.

(2) The direct method requires the applicant to document no less than the total minimum number of supervised clinical experience hours required for licensure, all of which must have been completed prior to the date of application for licensure.

(3) Applicants seeking licensure as a professional counselor must meet the requirements specified in OAR 833, division 30.

(4) Applicants seeking licensure as a marriage and family therapist must meet the requirements specified in OAR 833, division 40.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0051

Reciprocity Method

(1) The reciprocity method is for applicants who seek acceptance of education and supervised clinical experience previously used to obtain a comparable license in another jurisdiction. The reciprocity method requires the applicant to document that the education and experience requirements under which the applicant obtained a comparable license held in another state are equivalent to the standards required for Oregon licensure as a professional counselor or as a marriage and family therapist.

(2) Applicants for licensure by reciprocity must possess a current, active license to practice professional counseling or marriage and family therapy issued by another state credentialing entity. The Board will compare the minimum standards in effect in the other jurisdiction when it granted a license with the current education, clinical experience, and examination standards required for Oregon licensure.

(3) Application for licensure must be submitted to the Board office in accordance with OAR 833-020-0011.

(4) The application must also include an official verification of each healthcare professional license, registration or certification held, sent directly from the credentialing entity, that includes:

(a) The license type and current status in that state;

(b) Verification that the license is not temporary, probationary, expired, revoked, or suspended;

(c) Any history of adverse licensure action (disciplines), including proposed actions; and

(d) Documentation of the education, clinical experience, and examination requirements for licensure in that state at the time licensure was granted (if applicable).

(5) To be considered equivalent, the applicant's license in the state upon which reciprocity is based must have:

(a) Required at least a graduate degree in counseling, a graduate degree in marriage and family therapy, or a related degree. A related degree must have systemic coursework for a license as a marriage and family therapist;

(b) Been issued to an applicant whose qualifying degree meets the educational requirements specified in:

(A) OAR 833-030-0011 for licensure as a professional counselor; or

(B) OAR 833-040-0011 for licensure as a marriage and family therapist.

(c) Required passage of a state or national competency exam; and

(d) Been obtained by a method of application that involved state review of documentation of education and clinical experience under adopted standards, and not obtained through reciprocity; act of portability; mutual recognition; recognition of non-governmental, professional certification or membership; waiver of any of the education, experience, or examination requirements; or "grandparenting".

(6) The applicant must meet the supervised clinical experience requirements specified in:

(a) OAR 833-030-0021 for licensure as a professional counselor; or

(b) OAR 833-040-0021 for licensure as a marriage and family therapist.

(7) The applicant must meet the examination requirements specified in:

(a) OAR 833-020-0081 and 833-030-0041 for licensure as a professional counselor; or

(b) OAR 833-020-0081 and 833-040-0041 for licensure as a marriage and family therapist.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2011, f. 1-13-11, cert. ef. 2-1-11; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 1-2014, f. & cert. ef. 1-8-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0061

Re-Licensure Method

(1) The re-licensure method is required for applicants who have previously been licensed by the Board. 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 from an applicant no more than two years from the expiration date of the prior license:

(a) An application for re-licensure, using forms provided by the Board that must include a sworn statement that there is no reason for denial, including that applicant:

(A) Has not been subject to any disciplinary action by a professional mental health licensing or certification agency; and

(B) Has not been convicted of a crime related to practice within the mental health field.

(b) The current application fee plus one current annual renewal fee;

(c) Updated professional disclosure statement, statement that the applicant is not currently practicing professional counseling or marriage and family therapy, or request for waiver of the professional disclosure statement; and

(d) Report 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 receive the new application.

(3) To be considered for re-licensure more than two years after the expiration date of the prior license, all of the following items must be received from an applicant:

(a) A new application, using forms provided by the Board, to show compliance with the standards in effect at the time the Board will receive this new application;

(b) The application fee;

(c) Proposed professional disclosure statement, statement that applicant is not currently practicing professional counseling or marriage and family therapy, or request for waiver of the professional disclosure statement; and

(d) Request for examination or proof of passage of a competency examination acceptable to the Board which was passed within 10 years of date of new application.

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

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0071

Reapplication

(1) Former applicants who reapply for licensure must submit a new, fully completed application form and application fee to the Board.

(2) Applicants may request to transfer previously filed documents to the new application file if the documents have not been destroyed under state records retention schedules and are still in the possession of the Board. Such documents include, but are not limited to, documentation of supervised work experience, examination results, and transcripts.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0081

Examination

(1) All applicants must pass a competency exam and an Oregon law and rules exam approved by the Board.

(2) Applicants who have passed the competency exam within 10 years prior to applying for licensure are not required to retake the exam.

(3) Applicants applying by the reciprocity method who have passed the exam 10 years or more prior to applying for licensure in Oregon must:

(a) Retake the exam; or

(b) Document a minimum of 40 clock hours of continuing education in the core curriculum areas specified in OAR 833, division 60. Continuing education that substitutes for passage of the exam must be completed within two years prior to licensure.

(4) For all application methods except for intern registration, failure to document passage of an acceptable competency examination or failure to register and attempt to pass the competency examination at least once per year will result in denial of licensure.

(5) Registered interns, after meeting the experience requirements for licensure, must register and attempt to pass the competency examination at least once per year, and must pass the competency exam within two years. Failure to comply with this rule will result in denial of licensure and termination of internship registration. The Board will only approve a subsequent reapplication under the direct method.

(6) Failure to achieve a passing score on the competency examination after taking the exam three times will result in denial of licensure. The Board will not review a reapplication until at least one year has elapsed from the date of the previous denial.

(7) Applicants must complete and return the Oregon law and rules examination within 30 days of the date the Board sends the examination to the applicant. Failure to complete and return the examination to the Board office will result in closure of the application. To be considered for licensure, the person must reapply pursuant to OAR 833-020-0071.

(8) The Board may extend the deadline to take an exam for good cause upon written request of the applicant, which must be received or postmarked prior to the exam deadline.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 6-2010, f. 12-13-10, cert. ef.

1-1-11; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert.

ef. 10-10-16

DIVISION 30

REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELOR

833-030-0011

Educational Requirements for Licensure as a Professional Counselor

To qualify for licensure as a professional counselor under ORS 675.715(1)(b), an applicant must hold a graduate degree from one of the following:

(1) A counseling program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) as of the date the degree was conferred;

(2) A counseling program approved by the Council on Rehabilitation Education (CORE) as of the date the degree was conferred;

(3) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred; or

(4) A foreign program that has been evaluated by a credentialing body recognized by the Board. Submission of foreign degree evaluation and cost of the foreign degree qualification determination are the responsibility of the applicant.

(5) A graduate degree under sections (1) or (2) must have included at least two semester credit hours or three credit quarter hours of coursework in the diagnosis of mental disorders.

(6) A graduate degree under sections (3) or (4) must have included all of the following requirements:

(a) At least two years in duration, including at least:

(A) 48 semester credit hours or 72 quarter hours for graduate degrees granted before October 1, 2014; or

(B) 60 semester credit hours or 90 quarter credit hours for graduate degrees granted on or after October 1, 2014.

(b) At least two semester credit hours or three credit quarter hours in each of the following coursework:

(A) Counseling Theory;

(B) Human Growth and Development;

(C) Social and Cultural Foundations;

(D) The Helping Relationship;

(E) Group Dynamics Processing and Counseling;

(F) Lifestyle and Career Development;

(G) Diagnosis of mental disorders;

(H) Research and Evaluation; and

(I) Professional Orientation (Ethics).

(c) At least 16 semester hours or 24 quarter hours of supporting coursework for specialty areas; and

(d) A supervised clinical practicum or internship experience that:

(A) Included at least 600 total clock hours, including 240 direct client contact hours, for graduate degrees granted before October 1, 2014;

(B) Included at least 700 total clock hours, including 280 direct client contact hours, for graduate degrees granted on or after October 1, 2014;

(C) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;

(D) Made provision for faculty monitoring of operations;

(E) Kept records of student-client contact hours including summary of student progress by the supervisor;

(F) Had a written agreement with the program and student specifying learning objectives; and

(G) Had a mechanism for program evaluation.

(e) Deficiencies in the credit hour requirements of sections (a), (b) or (c) may be remedied by completing graduate level coursework in the deficient area(s) at a regionally accredited institution.

(f) For reciprocity applicants only, five years or more of licensed clinical experience in another state may substitute for a maximum of 15 semester or 20 quarter credits of academic education required for licensure. Clinical experience may not sub-

stitute training.

for

diagnosis

(g) Deficiencies in the supervised experience requirement of section (d) may be remedied by completion of:

(A) At least 700 clock hours of supervised clinical experience, including 280 direct client contact hours; or

(B) At least five years of full-time post-degree clinical experience.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0021

Experience Requirements for Licensure as a Professional Counselor

(1) To qualify for licensure as a professional counselor under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical counseling experience.

(2) To qualify for licensure through the internship registration method, supervised clinical experience must meet the requirements of OAR Chapter 833, Divisions 50 and 130.

(3) To qualify for licensure through direct method, supervised clinical experience must have consisted of no less than 2,400 supervised direct client contact hours of counseling. The supervised clinical counseling experience must have included any combination of the following:

(a) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;

(b) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;

(c) Experience completed while a registered intern with the Board; or

(d) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.

(4) To qualify for licensure through the reciprocity method, supervised clinical experience must have consisted of no less than 2,400 hours of supervised post-graduate experience:

(a) A minimum of 1,200 hours of the required 2,400 must be direct client contact;

(b) A maximum of 1,200 hours of the required 2,400 may be from supervision, consulting, reporting.

(c) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact may have been completed during the clinical portion of the qualifying graduate degree program;

(d) Five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.

(5) Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR Chapter 833, Division 90.

(6) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who holds a graduate-level state-issued license or registration, as a professional counselor or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or marriage and family therapist.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2014, f. & cert. ef. 9-5-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0041

Examination Requirement for Licensure as a Professional Counselor

(1) All applicants for licensure as a professional counselor must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.

(2) To qualify for licensure as a professional counselor under ORS 675.715(1)(d), an applicant must pass, or have passed within ten years prior to the date the application was received by the Board, one of the following competency examinations:

- (a) National Counselor Examination;
- (b) National Clinical Mental Health Counselor Examination;

or

- (c) Certified Rehabilitation Counselor Examination.

(3) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.

(4) To qualify to sit for the competency examination, a LPC applicant must:

- (a) Submit an application; and
- (b) Meet the graduate program and coursework requirements in OAR 833-030-0011.

(5) Candidates will pay exam and exam administration fees to the prescribed examination providers.

- (6) Passing scores will be:

(a) Established by the National Board of Certified Counselors for applicants who plan to take the exam after applying for Oregon licensure.

(b) Established by the agency verifying passage of its examination for applicants who took a state competency exam before applying for Oregon licensure.

(7) The Board will notify examinees in writing of the results of their examination.

(8) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination with a passing score determined by the Board.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0051

Documentation of Requirements for Licensure as a Professional Counselor

Applicants for licensure as a professional counselor must document meeting the requirements for licensure as follows:

(1) Educational requirements by official transcript, and by a completed graduate degree standards form with required attachments if supporting documentation is necessary;

(2) Experience requirements by submission of attestations from employers or supervisors regarding the setting, hours of experience and supervision received, and background and training of supervisor; and

(3) Examination requirement by submission of verification an approved examination was taken and passed by the approved testing, licensing, or certification organization, or passage of the state examination.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

DIVISION 40

REQUIREMENTS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS

833-040-0011

Educational Requirements for Licensure as a Marriage and Family Therapist

To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(b), an applicant must hold a graduate degree from one of the following:

(1) A marriage and family therapy program approved by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or a marital and family therapy program fully accredited by the Counsel for Accreditation of Counseling and Related Educational Programs (CACREP);

(2) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred; or

(3) A foreign program that has been evaluated by a credentialing body recognized by the Board. Submission of foreign degree evaluation and cost of the foreign degree qualification determination are the responsibility of the applicant.

(4) A graduate degree under section (1) must have included at least two semester credit hours or three credit quarter hours of coursework in the diagnosis of mental disorders.

(5) A graduate degree under sections (2) or (3) must have included all of the following requirements:

- (a) For graduate degrees granted before October 1, 2014:

(A) At least two years in duration, including at least 48 semester credit hours or 72 quarter credit hours;

- (B) At minimum, the following coursework:

(i) Human Development- four semester hours or six quarter hours;

(ii) Marital and Family Theoretical Foundation Studies- two semester hours or three quarter hours;

(iii) Marital and Family Therapy Diagnosis and Assessment, Treatment, Principles and Techniques Studies- eight semester hours or 12 quarter hours;

(iv) Professional Studies- two semester hours or three quarter hours;

(v) Research Methods or Statistics- two semester hours or three quarter hours;

(vi) Supporting Coursework Focusing on the Systems Paradigm for Specialty Areas- 16 semester hours or 24 quarter hours; and

(C) A supervised clinical practicum or internship experience of at least 600 clock hours, including 240 direct client contact hours.

- (b) For graduate degrees granted on or after October 1, 2014:

(A) At least two years in duration, including at least 60 semester hours or 90 quarter hours of graduate-level credit;

- (B) At minimum, the following graduate-level coursework:

(i) Individual and Family Development- four semester hours or six quarter hours;

(ii) Couple and Family Theoretical Foundation Studies- six semester hours or nine quarter hours;

(iii) Couple and Family Therapy, Treatment, and Techniques Studies- six semester hours or nine quarter hours;

(iv) Diagnosis of mental disorders- two semester hours or three quarter hours;

(v) Diversity studies that include issues related to diversity, power and privilege- two semester hours or three quarter hours;

(vi) Ethical and Professional Studies- two semester hours or three quarter hours;

(vii) Research Methods or Statistics- two semester hours or three quarter hours;

(viii) Supporting coursework focusing on counseling and/or systems approaches- 36 semester hours or 54 quarter hours; and

(C) A supervised clinical practicum or internship experience of at least 700 clock hours with 280 hours of direct client contact.

(c) The program's clinical practicum or internship experience must have:

(A) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;

- (B) Made provision for faculty monitoring of operations;

(C) Kept records of student-client contact hours including summary of student progress by the supervisor;

(D) Had a written agreement with the program and student specifying learning objectives; and

- (E) Had a mechanism for program evaluation.

(e) Deficiencies in the credit hour requirements of sections (a), (b) or (c) may be remedied by completing graduate level coursework in the deficient area(s) at a regionally accredited institution.

(f) Deficiencies in the supervised experience requirement of section (d) may be remedied by completion of:

(A) At least 700 clock hours of supervised clinical experience, including 280 direct client contact hours; or

(B) At least five years of full-time post-degree clinical experience, the majority of which must consist of work in relationship issues.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0021

Experience Requirements for Licensure as a Marriage and Family Therapist

(1) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical experience.

(2) To qualify for licensure through the internship registration method, supervised clinical experience must meet the requirements of OAR Chapter 833, Divisions 50 and 130.

(3) To qualify for licensure through direct method, supervised clinical experience must have:

(a) For those that apply to become a licensed marriage and family therapist before January 2, 2014, consisted of no less than 2,000 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.

(b) For those who apply to become a licensed marriage and family therapist on or after January 2, 2014, consisted of no less than 2,400 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.

(c) Included any combination of the following:

(A) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;

(B) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;

(C) Experience completed while a registered intern with the Board; or

(D) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.

(4) To qualify for licensure through the reciprocity method, supervised clinical experience must have consisted of no less than 2,400 hours of supervised post-graduate experience:

(a) A minimum of 1,200 hours of the required 2,400 must be direct client contact;

(b) A maximum of 1,200 hours of the required 2,400 may be from supervision, consulting, reporting.

(c) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact may have been completed during the clinical portion of the qualifying graduate degree program;

(d) Five or more years of post-license clinical experience may substitute for 1,000 hours of required supervised direct client contact.

(5) Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR Chapter 833, Division 90.

(6) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who is trained specifically in the systemic approach to couples and family therapy and holds a graduate-level state-issued license or registration, as a marriage and family therapist or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or professional counselor.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 1-2014, f. & cert. ef. 1-8-14; BLPCT 4-2014, f. & cert. ef. 9-5-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0031

Supervision of Direct Client Contact Hours

(1) For those applying for licensure through the direct or reciprocity methods, supervision must:

equivalent certification or license as determined by the Board, such as that required for clinical psychologists, clinical social workers and professional counselors; and

(A) Been trained specifically in the systemic approach to couples and family therapy;

(B) Completed a minimum of five (5) years of clinical experience; and

(C) For any supervision hours after June 30, 1992, completed thirty (30) clock hours of training in supervision theory and practice in post-master's academic coursework or equivalent training, as determined by the Board.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10

833-040-0041

Examination Requirement for Licensure as a Marriage and Family Therapist

(1) All applicants for licensure as a marriage and family therapist must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.

(2) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(d), an applicant must pass, or have passed within ten years prior to the date the application was received by the Board, a competency examination.

(3) The Board prescribes as the competency examination the marital and family therapy examination of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

(4) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.

(5) To qualify to sit for the competency examination, a LMFT applicant must:

(a) Submit an application; and

(b) Meet the graduate program and coursework requirements prescribed in OAR 833-040-0011.

(6) Candidates will pay exam and exam administration fees to the prescribed examination providers.

(7) Passing scores will be:

(a) Established by the AMFTRB for applicants who plan to take the exam after making application for Oregon licensure; or

(b) Established by the agency verifying passage of its examination for applicants who have completed an approved alternative examination.

(8) The Board will notify examinees in writing of the results of their examination.

(9) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination, with a passing score as determined by the Board.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0051

Documentation of Requirements for Licensure as a Marriage and Family Therapist

Applicants for licensure as a marriage and family therapist must document meeting the requirements for licensure as follows:

(1) Educational requirements by official transcript, and by a completed graduate degree standards form with required attachments if supporting documentation is necessary;

(2) Experience requirements by submission of attestations from employers or supervisors regarding the setting, hours of experience and supervision received, and background and training of supervisor; and

(3) Examination requirement by submission of verification that an examination was taken and passed by the approved testing,

licensing, or certification organization, passage of the state examination.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

DIVISION 50

REGISTERED INTERNS

833-050-0011

Intern Registration Method

The intern registration method is required for applicants who seek acceptance of post-degree supervised clinical experience completed in Oregon after June 30, 2002. The intern registration method requires applicant to obtain Board approval of an internship plan for completing required supervised direct client contact.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10

833-050-0021

Application for Registration as Intern

(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 a professional disclosure statement for board approval as part of his or her application;

(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 (LPC Intern) and/or 833-040-0011 (LMFT Intern);

(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) Internship status is a transitional step toward licensure and is not intended as a means to avoid licensure. Applicants approved for registration as an intern 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 intern may petition the Board to allow extension of registration for up to one year beyond the maximum five years if he/she 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.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 2-2015, f. & cert. ef. 10-2-15; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0031

Registered Intern Professional Disclosure Statement

(1) Registered interns must furnish clients with a copy of a Board-approved professional disclosure statement before providing counseling or therapy.

(2) A professional disclosure statement must include the following information about the intern:

(a) Name, business address and telephone number;

(b) Name of the intern's supervisor(s);

(c) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the intern subscribes;

(d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;

(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) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;

(h) The bill of rights of clients listed in OAR 833-100-0021 the Code of Ethics;

(i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and

(j) A statement indicating the following: "Additional information about this registered intern is available on the Board's website: www.oregon.gov/oblpc."

(3) The professional disclosure statement must be accessible to people with disabilities.

(4) Registered interns will assist their clients to understand the information in the professional disclosure statement.

(5) Whenever an intern changes the professional disclosure statement, the new statement must be provided to the board for approval.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0041

Intern Professional Disclosure Statement Waiver

The Board may grant exemptions from requirements of professional disclosure statements. Requests for exemption must be in writing to the Board and have received written approval from the Board. The Board may grant exemptions from providing a professional disclosure statement if:

(1) Registered intern can satisfy the Board that there is good cause to be exempt from specific requirements; or

(2) The intern is providing crisis response counseling or therapy.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0051

Intern Registration Plan

(1) Applicants for intern registration must submit an intern plan in the form and manner required by the Board.

(2) The intern plan must include information to show how supervised clinical experience hours will be accrued and that the activities will meet Board requirements for professional counselor and/or marriage and family therapist. The intern plan will include:

(a) Name, addresses, telephone numbers, and email addresses of the parties: intern, supervisor(s), and intern's employer(s) if applicable;

(b) Description of clinical experience: where counseling/therapy will be performed, where supervision will be provided, activities or services performed by intern, content of supervision;

(c) How the intern will meet licensure requirements;

(d) Responsibilities of all parties;

(e) Agreement of the supervisor, administrator of agency or employer of the intern, and the intern

(f) Signatures of all parties; and

(g) The fee for supervision, if any. If the supervisor is to be paid for supervision, then payment must be in the form of a per-hour fee.

(3) An approved intern plan may cover up to three separate practices, such as private practice and employment by two different, autonomous programs.

(4) To maintain registration, the intern must meet the conditions in the approved plan.

(5) The intern must carry out the registration plan as approved. Changes to the plan must be approved by the Board.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef.

5-3-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0061

Effective Dates of Intern Registration

(1) Initial registration as an intern will be effective when

applicant completes the registration process that includes approval

of completed request and internship plan.

(2) An intern must practice under supervision until all license

requirements are met and the license is issued.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-

14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0071

Direct Client Contact

(1) Registered interns must complete at least three years, defined as 36 months, of supervised clinical experience which must include no less than 2,400 hours of supervised direct client contact to qualify for licensure.

(a) Registered interns must complete at least 1,000 of the required 2,400 hours direct client contact while in a Board-approved intern work plan.

(b) Registered interns may count direct client contact hours acquired outside a registered intern plan as follows:

(A) Up to one year of full-time supervised clinical experience and 400 direct client contact hours accrued as part of a graduate degree internship;

(B) Post-graduate degree supervised direct client contact hours completed in Oregon prior to June 30, 2002; and

(C) Post-graduate degree supervised direct client contact hours completed in another jurisdiction pursuant to the jurisdiction's laws and rules that meet the direct application method experience requirements.

(2) Applicants for LMFT must accrue 2,400 hours of supervised direct client contact with at least 1,000 of those hours working with couples and families to qualify for licensure.

(3) Applications for dual licensure as professional counselor and marriage and family therapist must meet the requirements for both licenses.

(4) Direct client contact must be face to face with a client or clients and/or contact via electronic communication consistent with OAR 833 division 90.

(5) Registered interns must receive and document supervision for and report all direct client contact hours at places of practice listed as part of their Board-approved plan.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2014, f. & cert. ef. 9-5-14;

BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0081

Supervision

(1) Supervision of direct client contact must take place within the same calendar month as the completed direct client contact hours.

(2) Supervision meetings must take place at least twice per month, and in different weeks.

(3) Supervision meetings must be no less than one hour.

(4) Supervision each month must total at least:

(a) Two (2) hours for months in which 45 or fewer hours of direct client contact are completed; or

(b) Three (3) hours for months in which 46 or more hours of direct client contact are completed.

(5) In addition to all other reporting requirements, during the first three months of supervision:

(a) At least 25% of the reported monthly supervision hours must be conducted in a professional setting, and in person.

(b) Up to 75% of the reported monthly supervision hours may be conducted through confidential electronic communications.

(6) For the remaining required supervision hours:

(a) At least 25% of the remaining reported supervision hours must be conducted in a professional setting and in person;

(b) Up to 75% of the remaining reported supervision hours may be conducted through confidential electronic communications.

(7) At least 50% of the required number of monthly supervision hours must be individual supervision 1-to-1.

(8) Group supervision must meet the following requirements at each meeting.

(a) Include no more than six (6) supervisees;

(b) Have leadership that does not shift from one supervisor to another; and

(c) Not be a staff or team meeting, intensive training seminar, discussion group, consultation session, or quality assurance or review group.

(9) If in any month an intern does not receive the minimum supervision hours required, no client contact hours would be credited for that month.

(10) An approved plan for a single practice, such as private practice or employment by one agency offering services at one or more sites, may have no more than two supervisors at any given time.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2013, f. 8-7-13, cert. ef. 8-15-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0091

Supervisor's Responsibilities

(1) The supervisor must:

(a) Review and evaluate appropriateness of client population and caseload, individual charts, case records and management, diagnostic evaluation and treatment planning, and methodologies for keeping client confidentiality.

(b) Recommend that the intern refer clients to other therapists when client needs are outside the intern's scope of practice.

(c) Ensure that letterhead, business cards, advertisements and directory listings, brochures, and any other representation includes the appropriate title as described in OAR 833-050-0111(1)(a) and the supervisor's name and designation as "supervisor."

(d) Assist the intern in developing a plan to prepare for and complete the competency exam in a timely manner.

(e) Notify the Board within 14 days and explain any significant interruption to supervision or expected termination of the supervisory relationship.

(f) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request.

(g) Be someone other than a spouse or relative by blood or marriage or a person with whom the intern has or had a personal relationship.

(h) Meet registered intern supervisor qualifications as required in OAR Chapter 833, Division 130.

(i) Submit a written evaluation of the intern's skills and progress every six months and at the conclusion of the plan. The report must include progress toward completion of the intern's plan. Supervisors may report to the Board at any time deemed necessary. Reports must be submitted on forms provided by the Board;

(2) If a supervisor has professional or ethical concerns about a supervisee being licensed, the supervisor must promptly notify the Board and provide the following information:

(a) Specific concerns regarding conduct or performance;

(b) Steps taken to address the concerns;

(c) A remedial action plan with measureable outcomes to address the concerns; and

(d) The intern's progress to address the concerns expressed by the supervisor.

(3) The Board may take any or all of the following actions to address concerns about registered interns:

(a) Identify a new supervisor to work with the intern;

(b) Require an assessment of the intern's mental and/or physical health;

(c) Require the intern to seek personal therapy;

(d) Extend the internship;

(e) Require additional training for the intern;

(f) Place internship on hold; or

(g) Deny the intern a license.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0111

Intern's Responsibilities

(1) The intern must:

(a) Indicate registration and use the title "registered intern", "LPC intern", or "LMFT intern" in connection with a practice that is covered by an approved plan. All signed materials, letterhead, business cards, advertisements and directory listings, brochures, and any other representation must include the intern's appropriate title and the supervisor's name and designation as "supervisor".

(b) Take steps to ensure consistency in supervision throughout the internship.

(c) Provide the supervisor with a periodic evaluation of all cases and counseling or therapy activities in which the intern is engaged.

(d) Request approval from the Board to change supervisors more than three times during the internship and provide steps taken to ensure consistency when changing supervisors.

(e) Submit to the Board reports that include the hours of direct client contact accrued by month for the six-month period.

(A) Reports of direct client contact hours and supervisor evaluation are due in the month following each six-month reporting period.

(B) If the Board receives the report after the due date, all hours submitted in the report will be denied.

(C) The Board may consider exceptions to this rule with documentation of extraordinary circumstances.

(f) Notify the Board within 14 days and explain any interruptions or proposed termination of supervision or employment.

(2) The intern must submit a written request on a board approved form to the Board in order to change the intern plan. Approval of the following changes to the plan are required:

(a) Supervision;

(b) Employment;

(c) Practice locations; and

(d) Supervisor(s).

(3) A registered intern who files a request to change the internship plan must meet Board requirements in place at the time of the change request.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0131

Intern Registration Renewal

(1) An intern 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 intern 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. An intern 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 internship will be expired. Expired interns must reapply pursuant to OAR 833-020-0071 in order to practice as an intern or be considered for licensure.

(4) Renewal may be denied if any of the conditions of the plan are not being met.

(5) Interns must renew registration annually until being granted a license or the expiration or denial of intern registration.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0141

Placing Internship on Hold

(1) Intern may request to place internship on hold for up to 90 days by submitting a written request to the board with explanation of need for being on hold.

(2) Intern must notify the Board within 10 days, in writing, of a plan to return to practice.

(3) If after 90 days, the intern does not submit a plan to return to practice, the internship will expire.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-050-0151

Termination of Intern Registration Plan

A registered intern may voluntarily resign registration. A resigned registration will constitute withdrawal of application for licensure.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-050-0161

Current Information to Board

(1) All registered interns 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) An updated, current Professional Disclosure Statement being provided to clients as required above.

(2) Intern must inform the Board office in writing of any changes to information within 30 days of the change.

(3) Interns must submit a change of name form provided by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

DIVISION 70

FEES

833-070-0011

Fees

Fees established by the Board of Licensed Professional Counselors and Therapists are as follows:

(1) Application for licensure — \$175; applicants are also required to pay the actual cost to the Board to conduct a criminal background check.

(2) Initial license — \$125.

(3) Annual renewal of license:

(a) Active status license — \$125; or

(b) Inactive status license — \$100.

(4) Restoration fees:

(a) Delinquent fee for late renewals — \$50;

(b) Reactivation of inactive status license — \$125.

(5) Examination — Candidates will pay exam and exam administration fees to the prescribed examination providers.

(6) Duplicate license or certificate of licensure — \$5.

(7) Verification of licensure or examination scores for applicant or licensee to other licensing or certifying agencies — \$10.

(8) Annual renewal of registration as intern in accordance with OAR 833-120-0011 — \$80.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2010(Temp), f. 1-8-10, cert. ef. 1-11-10 thru 7-9-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2015, f. & cert. ef. 10-2-15; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-070-0021

Fee Refunds

Fees are nonrefundable, except that overpayment of fees or fees submitted as part of application before required will be refunded.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-070-0031

Availability of Public Records

(1) Members of the public may review all Board documents that are public records other than those records that need not be disclosed under law. These documents are on file in the Board's office during regular working hours. Copies of public records are available to the public upon request. Charges for records will be payable in advance or when the materials are received.

(2) Copies of documents: \$.25 per page.

(3) Documents and other materials will be provided at a fee reasonably calculated to reimburse the Board for actual costs incurred in making records available to the public.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

DIVISION 75

GENERAL LICENSURE PROVISIONS

833-075-0010

Effective and Expiration Dates of Licenses

(1) Initial licenses will be effective for no more than one year, expiring on the last day of licensee's birth month.

(2) Date of issue will be the date all qualifications for licensure are met.

(3) Licenses will not be issued without payment of the required initial license or renewal fees.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0020

License Renewal/Late Renewal

(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.

Stat. Auth.: ORS 675.785 - 675.835 & ORS 676.410

Stats. Implemented: ORS 675.785 - 675.835 & ORS 676.410

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0030

Inactive Status

(1) Inactive status may be granted to licensees who have made a request in writing to the Board. Inactive licensees may not practice professional counseling or marriage and family therapy in the State of Oregon, and are required to reactivate to active status in order to practice.

(2) To reactivate a license from inactive status to active status, the licensee shall submit a written request and fee to the Board.

(a) The licensee must document completion of continuing education activities which at a minimum meet the requirements described in OAR Chapter 833, Division 80 within the 24 month period immediately preceding the requested date of reactivation.

(b) If the license reactivation is to occur more than five years after inactive status was granted, the Board will not reactivate the license until the licensee retakes the Oregon law and rules exam and obtains a passing score.

(c) The residual continuing education requirements from the date of reactivation to the end of the reporting period shall be calculated on a prorated basis.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0040

Duplicate Licenses

(1) Duplicate licenses or certificates may be obtained by:

(a) Certifying, by signed statement, that the current license or certificate has been lost or destroyed; or

(b) Requesting a duplicate for additional place(s) of business;

(c) In either case, payment of the required fee.

(2) Reproduction of a license or certificate by anyone other than Board staff for use as a license document or for display is prohibited.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0050

Licensee Professional Disclosure Statement

(1) To be approved by the Board, the professional disclosure statement shall include the following information required by this section and ORS 675.755:

(a) The name, address and telephone number of the business;

(b) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the licensee subscribes;

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

(d) The bill of rights of clients listed in OAR 833, division 100, Code of Ethics;

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

(f) Oregon licensure requirements for continuing education and supervision, as well as any significant post-degree work relating to professional practice;

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;

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

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

(2) Prior to providing services, licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in section (1).

(3) Licensees must make a reasonable effort to assist the client to understand the information presented in the disclosure statement as required by the Code of Ethics.

(4) The professional disclosure statement must be accessible to people with disabilities.

(5) Exemptions to the professional disclosure statement requirements set forth in ORS 675.755 include:

(a) Applicants for licensure not practicing professional counseling or marriage and family therapy in Oregon, except those seeking registration as an intern;

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

(c) Licensees providing crisis response; and

(d) Licensees who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements, and have received written exemption from the Board.

(6) If the licensee fails to provide the statement, the licensee may not charge the client a fee for services.

(7) Whenever a licensee changes a professional disclosure statement, the new statement must be presented to the Board for approval.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0060

Current Information to Board

(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) An updated, current Professional Disclosure Statement being provided to clients.

(2) Licensees must inform the Board office in writing of any changes to information within 30 days of the change.

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

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0070

Client Records

(1) A licensed professional counselor and licensed marriage family therapist or registered intern must:

(a) Maintain client records for each client;

(b) Ensure that client records are legible;

(c) Keep records in a secure, safe, and retrievable condition; and

(d) Notify the Board if client records have been destroyed or lost.

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:

(a) A formal or informal assessment of the client;

(b) Counseling goals or objectives; and

(c) Progress notes of therapy or counseling sessions.

(3) A licensee must retain client records for at least seven years from the date of the last session with the client.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0080

Custodian of Record

(1) A licensee or registered intern must:

(a) Arrange for the maintenance of and access to client records that ensure the client's right to confidentiality and access to records in the event of the death or incapacity of the licensee;

(b) Register with the Board the name and contact information of a custodian of record that will have case files and can make necessary referrals if licensee becomes incapacitated or dies; and

(c) Notify the Board of changes of the custodian of record.

(2) If the licensee or registered intern is an employee of an organization, the organization may be named as the custodian of record.

(3) The Board will not release the name of the custodian of record except in the following cases:

(a) The death or incapacity of the licensee; or

(b) When a client is unable to locate the licensee.

(4) A custodian of record under this rule must be a licensed mental health professional licensed under Oregon law, a licensed medical professional, a health care or mental health organization, an attorney, a school, or a medical records company.

Stat. Auth.: ORS 675.705 - 675.835
Stats. Implemented: ORS 675.705 - 675.835
Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0090

Representation of Credentials

A person may not use the title of “licensed professional counselor” or “licensed marriage and family therapist,” including the abbreviations “LPC” and “LMFT,” unless the person holds a current license issued by the Board.

Stat. Auth.: ORS 675.705 - 675.835
Stats. Implemented: ORS 675.705 - 675.835
Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

DIVISION 80

CONTINUING EDUCATION

833-080-0011

Continuing Education

Licensees must complete approved continuing education and report the hours to the Board on even numbered years as a condition of license renewal.

(1) “Reporting period” means the 24-month period between license renewals that occur in even numbered years.

(2) A “clock hour” for continuing education means one hour spent in a program meeting the requirements for continuing education. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an approved program.

(3) Licensees must complete at least 40 continuing education clock hours within each reporting period.

(4) New licensees:

(a) There is no continuing education reporting required for individuals licensed less than 12 months on their first even numbered year renewal date.

(b) Individuals licensed between 12 and 23 months on their first even numbered year renewal date must report at least 20 clock hours of continuing education.

(c) Individuals licensed 24 or more months on their first even numbered year renewal date must report at least 40 clock hours of continuing education.

(5) There is no continuing education reporting required for licensees on or changing to inactive status.

(6) Licensees’ continuing education must include six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy within each reporting period.

(7) For licensees who supervise registered interns, including all licensees on the Supervisor Registry, licensees’ continuing education must include three clock hours of supervision-related training within each reporting period.

(8) For renewal periods beginning January 1, 2017 and later, licensees’ continuing education must include four clock hours of training in cultural competency within each reporting period.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0021

Continuing Education Waiver

(1) Licensees may request a waiver for meeting the continuing education requirements by submitting a written request on forms provided by the Board.

(2) The Board may grant exemptions in whole or in part, including extension of deadlines, to licensees who cannot timely attend the required hours of training because of a documented medical condition. The licensee must include the following information as part of the request.

- (a) The rationale for a waiver;
- (b) The nature of the illness or disability;
- (c) The time period the waiver would cover;

(d) A statement as to how the condition prevents participation in continuing education;

(e) Signature by the licensee or legal representative; and

(f) Signed statement from a healthcare practitioner who is licensed or certified by the state to provide services.

(3) The Board will notify the licensee in writing whether the request is approved.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0031

Continuing Education Content

Policy. Continuing education must be a learning activity that contributes directly to the professional competence of the licensee.

(1) Continuing education content must focus on increasing knowledge and/or skills in the following substantive areas relevant to the field:

(a) Counseling or marriage and family therapy theory & techniques;

(b) Human development and family studies;

(c) Social and cultural foundations in counseling or marriage and family therapy;

(d) The helping relationship;

(e) Group dynamics;

(f) Life style and career development;

(g) DSM diagnosis and assessment;

(h) Research and evaluation;

(i) Professional orientation and ethics;

(j) Professional supervision training;

(k) Disability and life transitions;

(l) Substance abuse;

(m) Psychopharmacology;

(n) Diagnosis and treatment of mental health disorders.

(2) The program must be conducted by a qualified instructor or discussion leader, which means a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter.

(3) A record of attendance, such as a certificate of completion, must be obtained.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0041

Methods of Obtaining Hours

(1) Approvable continuing education credits may be obtained in the following ways:

(a) Continuing education activities with no limits on clock hours:

(A) Attending college or university courses -- 15 clock hours per semester credit and 10 clock hours per quarter credit.

(B) Live seminars, workshops, conferences and/or trainings.

(C) Home study (distance learning), including internet and tele-courses.

(D) Service as an Oregon Board of Licensed Professional Counselors and Therapists member or committee volunteer.

(b) Continuing education activities for which licensees can obtain a maximum of 20 clock hours within a two year reporting period:

(A) Publication activities include:

(i) Five credits per article or review in a refereed journal that is directly related to counseling;

(ii) Five credits per chapter in edited books, 20 credits for authorship of an entire book;

(iii) Five credits per 30 minutes of initial video production directly related to counseling;

(iv) Five credits for reviewing a book proposal; and

(v) Five credits for each year of service on an editorial board of a professional counseling journal.

(B) Professional presentations. Credit is given for the initial research and development of a professional presentation. No credit shall be allowed for repeat presentations unless it is demonstrated that the program content was substantially changed and such change required significant additional study or research. The number of credits given is twice the number of hours spent making the presentation;

(c) Continuing education activities for which licensees can obtain a maximum of 10 clock hours within a two year reporting period:

(A) Serving as an officer of a state or national counseling organization;

(B) Serving as a member of a national certification board;

(C) Chairing a national counseling conference or convention; or

(D) Receiving supervision for a fee from a supervisor who meets the Board's standards on supervision. Credit shall only be given to the licensee receiving supervision, not to a licensee providing supervision. No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.

(2) An approvable continuing education program is one designed and offered by an agency or institution that is recognized as an approved provider of continuing education units, e.g., NBCC-approved programs, to include:

(a) Academic courses offered in accredited degree counseling or marriage and family therapy programs;

(b) Presentations sponsored by counseling related departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human services agencies or organizations; or individuals that meet all of the following approved provider guidelines:

(A) Program is presented by competent individuals as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience. Presenters should have an identifiable involvement with human services;

(B) Program meets the professional needs of the licensee's intended clientele;

(C) Program has a minimum duration of one clock hour;

(D) Except for non-classroom distance learning, program is offered in a place which is accessible to persons with disabilities;

(E) Distance learning program includes mechanism for evaluation, measurement, or confirmation of exchange of information; and

(F) Programs approved by organizations such as: National Association of Social Workers, National Board for Certified Counselors, Oregon Psychological Association, Commission on Rehabilitation Counselor Certification, Art Therapy Credentials Board, American Art Therapy Association, American Association for Marriage and Family Therapy, and American Counseling Association.

(c) Content of programs are consistent with OAR 833-080-0031.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0051

Documentation and Submission of Continuing Education

(1) Licensees must certify to the Board, at the time of annual renewal on even-numbered years, that the continuing education requirements were met by providing a summary list of continuing education activities/courses as described in OAR 833-080-0041.

(2) Licensees must maintain documentation as proof that the licensee has satisfied the continuing professional education requirements for a minimum of two years after the reporting period. If requested by the Board, licensees will make continuing education records available for inspection.

(3) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee. Documentation must include proof of actual attendance, participation,

certification, or completion as well as content, duration, and if relevant, provider as follows:

(a) For college or university courses: A copy of a transcript showing satisfactory completion of the course;

(b) For seminars, workshops, conferences, trainings, or home study: Dated certificates (originals or copies) of completion of training;

(c) Program/activity descriptions, including (but not limited to) written verification of professional services, copies of published works or other proof of publication, letter from president/director of organization in which professional activity was conducted; and

(d) Signed statement of professional supervision by the individual providing the supervision.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0061

Continuing Education Audit and Penalties

(1) The Board will conduct an audit of the records of randomly selected licensees to verify actual participation, completion, and compliance with standards for content and providers of approved continuing professional education. Failure to maintain or document actual completion of continuing professional education activities claimed, failure to make such records available to the Board for inspection, or falsification of reports may result in disciplinary action by the Board. Audited licensees hold the burden of proof of mailing.

(2) A licensee selected for the continuing education audit whose hours are deficient, including a licensee's failure to submit complete documentation, is subject to disciplinary action, to include but not limited to the following sanctions:

(a) Persons successfully documenting 31-39 hours -- \$250;

(b) Persons successfully documenting 21-30 hours -- \$500;

(c) Persons successfully documenting 11-20 hours -- \$750;

(d) Persons successfully documenting 10 or fewer hours -- \$1,000.

(3) The civil penalty may not be paid in lieu of training.

(4) Failure to document required hours, or certifying programs or supervision not meeting approval requirements will result in non-renewal or, in the case of discovery after renewal, possible suspension of license.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

DIVISION 90

DISTANCE COUNSELING

833-090-0010

Technology-Assisted Services

(1) When providing technology-assisted distance counseling services, licensees must:

(a) Use secure web sites and e-mail communications to help ensure confidentiality;

(b) Determine that technology-assisted services are appropriate, available, and meets the needs of the particular client; and

(c) Have a working knowledge of the particular technology used to meet the needs of clients.

(d) Conduct due diligence in confirming the identity of potential clients.

(2) When the use of encryption is not possible, limit electronic transmissions to general communications that are not client specific.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-090-0020**Inappropriate Services**

When technology-assisted distance counseling services are deemed inappropriate for any reason by the counselor or client, counselors must ensure that a professional and clinically sound referral is made to counseling resources in the client's geographic area.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-090-0030**Laws and Statutes**

Licenses providing Distance Services must ensure that the use of technology is consistent with the Board's laws and rules.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-090-0040**Technology and Informed Consent**

(1) Licensees must give all potential clients access to the licensee's Professional Disclosure Statement (PDS) prior to service delivery with a means of confirming receipt and acknowledgement of the PDS.

(2) Licensees must inform clients of the benefits and limitations of distance service delivery, including:

(a) Issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications;

(b) Names of colleagues, supervisors, and employees, such as Informational Technology (IT) administrators, who may have authorized or unauthorized access to electronic transmissions;

(c) The risks of all authorized or unauthorized people who have access to any technology clients may use in the counseling process. This includes family members, friends, acquaintances, and fellow employees;

(d) Limitations governing the practice of the LPC or LMFT profession in the State of Oregon, including that the laws and statutes regarding the practice of professional counseling and marriage and family therapy differ from state-to-state;

(e) Contact information and alternate methods of contact in case of technology failure; and

(f) Emergency procedures for situations when the counselor is not available.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

DIVISION 100**CODE OF ETHICS****833-100-0011****General Purpose and Scope**

(1) This code constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured. It has as its goal the welfare and protection of the individuals and groups with whom counselors and therapists work. This code applies to the conduct of all licensees, registered interns and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. Violation of the provisions of this code of ethics will be considered unprofessional or unethical conduct and is sufficient reason for disciplinary action, including, but not limited to, denial of licensure.

(2) If ethical responsibilities appear to conflict with law, regulations, or other governing legal authority, licensees are to make known their commitment to their ethical responsibilities and take steps to resolve the apparent conflict. If demands of an organization with which a licensee is affiliated conflicts with any aspect of the code of ethics, the licensee must clarify the nature of the conflict, make known their commitment to this code and resolve the conflict in a way that permits adherence to this code of ethics.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-100-0021**Informed Consent**

(1) A licensee's primary professional responsibility is to the client. A licensee makes every reasonable effort to advance the welfare and best interests of all clients for whom the licensee provides professional services. A licensee respects the rights of those persons seeking assistance and makes reasonable efforts to ensure that the licensee's services are used appropriately.

(2) A licensee recognizes that there are other professional, technical, and administrative resources available to clients. The licensee makes a reasonable effort to provide referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

(3) Licensees do not give or receive commissions, rebates or any other form of remuneration when referring clients for professional services.

(4) A licensee seeks appropriate professional assistance for the licensee's own personal problems or conflicts that are likely to impair the licensee's work performance or clinical judgment.

(5) A licensee provides supervision only when the licensee's professional competence is sufficient to meet the needs of the trainee or intern. A licensee does not permit a trainee or intern under the licensee's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or intern's level of training and accepts responsibility for the effects of the actions of the trainee or intern of which they should be aware.

(6) A licensee does not practice under the influence of alcohol or any controlled substance not prescribed by a physician, or if incapacitated by habitual or excessive use of intoxicants, drugs or controlled substances.

(7) A licensee does not practice when adversely influenced by either physical or emotional impairment that would interfere with their ability to provide professional services.

(8) A licensee abides by all applicable statutes and administrative rules regulating the practice of counseling or therapy or any other applicable laws, including, but not limited to, the reporting of abuse of children or vulnerable adults.

(9) A licensee does not condone or engage in discrimination based on age, color, culture, disability, ethnicity, national origin, gender, race, religion, sexual orientation, marital status, or socioeconomic status.

(10) A licensee does not provide services to a client when the licensee's objectivity or effectiveness is impaired. If a licensee's objectivity or effectiveness becomes impaired during a professional relationship with a client, the licensee notifies the client that the licensee can no longer serve the client professionally and makes a reasonable effort to assist the client in obtaining other professional services.

(11) A licensee respects the right of a client to make decisions and helps the client understand the consequences of these decisions. A licensee advises a client that all decisions are the responsibility of the client.

(12) A licensee displays in a prominent place, available to clients, a Board issued license.

(13) A licensee practices under his or her name or other name that describes a place or organization with which the licensee practices.

(14) Licensees and registered interns obtain written informed consent from each client for rendering professional services. Informed consent constitutes informing the client as early in the therapeutic relationship as possible:

(a) The nature and anticipated course of therapy;

(b) Services and approaches to be used;

(c) Potential risks or experimental methods proposed;

(d) Alternatives for treatment;

(e) Fees;

- (f) Involvement of third parties;
- (g) Limits of confidentiality; and
- (h) The client's right to accept or refuse part or all therapeutic treatment.

(15) Licensees or registered interns may submit a written request for an exemption to distribution of informed consent. The licensee or intern must:

- (a) Satisfy the Board that good cause exists, justifying exemption from specific requirements; and
- (b) Obtain written exemption from the Board.
- (c) Situations qualifying for waiver include but are not limited to licensees or registered interns providing crisis services.

(16) A licensee makes available as part of the disclosure statement 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 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;
- (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, including the following exceptions:

- (A) Reporting suspected child abuse;
- (B) Reporting imminent danger to the client or others;
- (C) Reporting information required in court proceedings or by client's insurance company or other relevant agencies;
- (D) Providing information concerning licensee case consultation or supervision; and
- (E) Defending claims brought by the client against licensee;
- (g) To be free from being the object of discrimination on any basis listed in subsection (9) of this rule while receiving services.

(17) A licensee terminates a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests. Whenever possible prior to termination, a licensee provides pre-termination counseling and recommendations and alternatives for the client.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2014, f. & cert. ef. 6-11-14

833-100-0031

Client Welfare

(1) Licensees strive to benefit those with whom they work and take care to do no harm. In their professional actions, licensees seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons and shall hold the welfare and interests of clients as primary.

(2) Licensees take reasonable steps to avoid harming their client, students, supervisees, research participants, organizational clients and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

(3) The primary obligation of licensees is to respect the integrity and promote the welfare of their clients, including treating the client at all times in a caring, fair, courteous and respectful manner. This is particularly true for vulnerable populations such as children, seniors or clients with disabilities.

(4) Licensees actively attempt to understand the diverse cultural backgrounds of the clients with whom they work. This includes, but is not limited to, learning how the licensee's own background and identity impacts the licensee's values and beliefs about the counseling process.

(5) Licensees do not engage in physical contact with clients when there is a possibility of physical or psychological harm from the contact.

(6) Licensees avoid actions or words that clients could reasonably interpret as demeaning or derogatory, including, but not limited to, coarse or harsh language directed at the client.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-100-0041

Integrity

(1) A licensee acts in accordance with the highest standards of professional integrity and competence. A licensee is honest in dealing with clients, students, trainees, colleagues, related third parties, and the public.

(2) Licensees are aware of their influential positions with respect to their students, employees, supervisees, and clients; they avoid exploiting the trust and dependency of such persons. Licensees make every effort to avoid conditions and multiple relationships with clients, clients' relatives, and supervisees that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business, personal, or sexual relationships with clients, clients' relatives, students, employees, or supervisees.

(3) A licensee does not enter into an employer, supervisor, or other relationship where there is potential for exercising undue influence on any client or supervisee. This includes the sale of services or goods that will exploit the client for financial gain or personal gratification of the licensee or a third party.

(4) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a client or supervisee.

(5) A licensee does not engage in or solicit sexual acts or a sexual relationship with a client or with individuals the licensee knows to be immediate relatives, guardians, supervisees, or significant others of current clients, or with a former client within three years since the rendering of professional services.

(6) A licensee does not engage in or solicit sexual acts or a sexual relationship with a former client or supervisee after three years from the termination of services if such act or solicitation could exploit the client or supervisee. Exploitation may be indicated by such factors as the time elapsed between the termination of the professional relationship and the beginning of the sexual relationship, nature and duration of therapy, circumstances of termination of professional relationship, client personal history, client's current mental status, likelihood of adverse impact on client, any statements or actions made by the licensee during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship, and whether the licensee attempted to protect the client by referral or consultation. Licensees do not accept as clients those with whom they have engaged in sexual intimacies.

(7) A licensee does not enter into an employment, business, supervisory, or personal relationship, or one that involves the exchange of goods and services, with a former client or supervisee if exploitation can be demonstrated by review of such factors as amount of time that has passed, nature and duration of therapy, circumstances of termination of professional relationship, client's personal history, client's current mental status, likelihood of adverse impact on client, and whether client encouraged a post-treatment relationship during the professional relationship.

(8) A licensee does not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the licensee's evaluation or treatment of the client. Regardless of the source of payment, the licensee's first obligation is to the client.

(9) A licensee does not engage in sexual or other harassment of a client, former client, or supervisee. A licensee does not engage in any form of communication or physical behavior that is sexually suggestive, seductive, or demeaning to the client or former client.

(10) A licensee does not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

(11) A licensee informs a client of a divergence of interests, values, attitudes, or biases between a client and the licensee that is

sufficient to impair their professional relationship. Either the client or the licensee may terminate the relationship.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

833-100-0051

Confidentiality

(1) A licensee holds in confidence all information obtained in the course of professional services, as within the limits of the setting, such as a public agency. A licensee safeguards client confidences as permitted by rule or law.

(2) A licensee does not use any confidence of a client to the client's disadvantage.

(3) A licensee, including employees and professional associates of the licensee, does not disclose any confidential information that the licensee, employee, or associate may have acquired in rendering services except as provided by rule or law. All other confidential information is disclosed only with the written informed consent of the client.

(4) A licensee is responsible for being aware of the state and federal regulations concerning confidentiality and for informing clients of the limits of confidentiality as a part of informed consent for services in the context of couple, family, or group treatment. A licensee does not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(5) Whenever a licensee provides services to groups of clients such as couples, families or therapy groups, special care must be taken related to issues of confidentiality. In group therapy, confidentiality issues are to be discussed in the beginning of the group. The parameters of confidentiality within marriage and family therapy are to be discussed early in the counseling process and a clear understanding achieved with all involved.

(6) Whenever a licensee's services are requested or paid for by one client for another, the licensee informs both clients of the licensee's responsibility to treat any information gained in the course of rendering the services as confidential information.

(7) A licensee limits access to client records and informs every individual associated with the agency or facility of the licensee, such as a staff member, student, or volunteer, that access to client records must be limited to only the licensee with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the written informed written consent of the client.

(8) A licensee maintains the records of a client after the professional relationship between the licensee and the client has ceased and informs clients as to how long records are retained. The licensee stores and disposes of records in ways that maintain confidentiality. The licensee makes advance provision for the confidential disposition of records in the event the licensee is unable to do so for reasons such as illness or death.

(9) A licensee discloses to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding. The general requirement that licensees keep information confidential does not apply when:

(a) Disclosure is required to prevent clear and imminent danger to the client or others; or

(b) Legal requirements demand that confidential information must be revealed.

(10) A licensee must obtain written informed consent from each client before electronically recording sessions with that client or before permitting third party observations of their sessions.

(11) A licensee adequately disguises the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

(12) A licensee provides clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records, or when information from others about the client could result in harm to that person or

persons upon disclosure to the client. Following guidelines set forth in ORS 192.518(2) and 675.765(1), unless otherwise ordered by the court, parents shall have access to the client records of juveniles who are receiving professional services from the licensee.

(13) When a licensee is unclear on professional issues or standards of practice, consultation is to be obtained while protecting any confidentiality issue that may be involved.

(14) Licensees proceed cautiously when asked to provide services to a client currently seeing another professional. Consideration is given to the client's welfare and the situation. Care is given to minimize the risk of confusion and conflict; and when appropriate, the other service provider is consulted. It is not ethical to provide the same therapeutic service that is simultaneously being provided by another professional without collaboration regarding the best interests of the client.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12

833-100-0061

Conduct and Competence

(1) A licensee accepts the obligation to conform to higher standards of conduct in the capacity of a counseling professional. The private conduct of a licensee is a personal matter to the degree that it does not compromise the fulfillment of professional responsibilities. A licensee will respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession.

(2) Licensees correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the licensee's qualifications, services, or products. A licensee does not advertise in a way that is false, fraudulent, or misleading to the public. Testimonials from current clients are not solicited for advertising or other purposes due to the client's vulnerability to undue influence. A licensee does not engage in any conduct likely to deceive or defraud the public or the Board. A licensee does not participate in, condone, or become associated with dishonesty, fraud, deceit, or misrepresentation.

(3) Licensee reports to the Board within 30 days any civil lawsuit brought against the licensee that relates in any way to the licensee's professional conduct and notifies the Board of any disciplinary action or loss of a mental health professional or state license, certification, or registration.

(4) A licensee convicted of a misdemeanor or felony or who is arrested for a felony reports that information to the Board within 10 days after the conviction or arrest.

(5) A licensee files a complaint with the Board when the licensee has reason to believe that another licensee is or has been engaged in conduct that violates law or rules adopted by the Board. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other counselor or therapist. In that case, the client-therapist confidentiality supersedes the licensee's requirement to report the other therapist. However, this does not relieve a licensee from the duty to file any reports required by law concerning abuse of children or vulnerable adults. Licensees do not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intended to harm a counselor/therapist rather than to protect clients or the public.

(6) A licensee who believes that a licensee of another health professional licensing agency has engaged in prohibited or unprofessional conduct will report the conduct to the other licensee's board within 10 days of learning of the conduct.

(7) A licensee does not engage in sexual or other harassment or exploitation of clients, students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in disciplinary proceedings. A licensee cooperates with the Board, or any committee or representative of the Board, in any investigation it may pursue relating to licensee misconduct or violation of the law or rules of the Board. Failure to cooperate is an ethics violation.

(8) A licensee understands the areas of competence of related professions and acts with due regard for the needs, special competencies, and obligations of colleagues in other allied professions, and does not disparage the qualifications of any colleague.

(9) A licensee recognizes the importance of a clear understanding on financial matters with clients. Arrangements for fees and payments are made at the beginning of the counseling or therapeutic relationship. When a client presents financial hardship, the licensee will make reasonable effort to direct the client to possible affordable options. Licensees do not withhold records under their control that are requested by the client solely because payment has not been received for services. Licensees who work in an organizational setting do not divert clients to the licensee's own private practice unless it is in the best interests of the client in the opinion of the client and the organization.

(10) A licensee makes certain that the qualifications of persons in a licensee's employ are represented in a manner that is not false or misleading.

(11) A licensee does not perform, nor pretend to be able to perform, professional services beyond the licensee's field or fields of competence based on their education, training, supervision, consultation, study or professional experience. Licensees are responsible for keeping current in areas of competence. When working in emerging areas of the profession, the licensee ensures competence through relevant education, training, supervised experience, consultation, or study.

(12) A licensee does not misrepresent professional qualifications, education, experience, or affiliations.

(13) A licensee does not provide what is, or may be reasonably considered, inappropriate, unnecessary, or inadequate treatment or counseling/therapeutic services. A licensee practices within accepted professional standards based on recognized knowledge through research and theoretical best practices.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

833-100-0071

Assessment, Measurement, Research and Consulting

(1) Licensees who conduct professional services related to counseling do so with regard to high ethical standards.

(2) Licensees conduct proper assessments of clients within their level of competence and base findings on reliable information and techniques sufficient to substantiate their conclusions. Licensees administer, adapt, score, interpret or use assessment techniques, such as tests and measurement instruments, only with training and consistency with therapeutic objectives.

(3) Licensees who conduct research do so with the welfare of participants of primary importance. Ethical research includes informed consent from participants, institutional approval, when appropriate, including measures to protect research participants, and debriefing participants as soon as possible regarding the nature, results and conclusions of the research. The results of research are reported accurately without fabrication or unreported errors.

(4) Licensees who consult or provide services where the client is an organization do so with a high degree of self-awareness of their own values, knowledge, skills, limitations and goals and match these factors with the needs and goals of the organization. It is the licensee's responsibility to ensure agreement on the issues, goals and predicted consequences of consulting interventions.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10

DIVISION 110

COMPLIANCE

833-110-0011

Response to Complaints

(1) The Board will review and accept for consideration a complaint filed by any person, group of persons, or the Board on its

own action that is specific as to the conduct upon which the complaint is based. A complaint will be rejected if it does not allege a violation for which the Board has the grounds to impose sanctions pursuant to ORS 675.745 or 675.825.

(2) A complaint that a licensee, registered intern or applicant for licensure is incompetent or has committed an act or acts in violation of the law or rules adopted by the Board including the Code of Ethics will be considered a complaint of professional misconduct. A complaint that an unlicensed person has practiced or used a title in violation of ORS 675.825 will be considered a complaint of unlicensed practice.

(3) The Board will make forms available to the public and encourage complainants to use the Board's investigation request form. If a complaint is first made in verbal form, or does not contain information substantially equivalent to the Board's form, then the Board's representative may require the complainant to use the Board's form to initiate an investigation. If the complainant is a client or former client of the respondent, then the complainant should sign a release form allowing the Board and its legal counsel access to records and other materials that are the ethical and legal responsibility of the respondent. Refusal by a complainant to comply with this requirement may result in dismissal of the complaint.

(4) Upon receipt of a valid complaint, a complaint file will be opened. A preliminary investigation or review will be conducted to determine if additional investigation and the assignment of additional investigators is necessary, or whether to file a report with the Board recommending the complaint be dismissed without further action. If additional investigation is deemed necessary, then the subject of the complaint will be notified that he/she is under investigation and provided with general information regarding the allegations being investigated. Notification may request a written response.

(5) Failure to cooperate with Board representatives during an investigation constitutes unprofessional conduct which may subject a licensee, intern or applicant to disciplinary action. Cooperation includes:

(a) Submitting client records to the Board's representative, with or without a signed release by the client, for a full investigation of the allegations;

(b) Sending a complete case file to the Board's representative;

(c) Being available for a personal interview with the Board's representative; and

(d) Responding to questions presented by the Board's representative.

(6) The Board may delay approving a licensure application or issuing an intern registration or license until a complaint has been resolved.

(7) The investigator shall collect evidence and interview witnesses. At the conclusion of the investigation, a report will be filed with the Board in accordance with the timelines and procedures outlined in ORS 676.160–676.180. The report will clearly set forth the issues on which the Board should consider possible action.

(8) The Board will maintain written procedures for handling complaints, which will be available through the Board office.

(9) Complaint and information gathered by investigation into licensee or applicant competency or conduct will be kept confidential in accordance with ORS 676.160–676.180.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 3-2016, f. & cert. ef. 8-8-16

833-110-0021

Complaint Disposition

(1) Following review of the investigation report, the Board may:

(a) Dismiss the complaint;

(b) Continue the investigation;

(c) Issue a notice of proposed action;

(d) Propose non-disciplinary action; or

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(e) Negotiate a stipulated agreement in lieu of hearing, default, or disciplinary action.

(2) Board discussions will be held in executive session, closed to the public. Decisions as to action will be voted upon during a public meeting, but case numbers will be used. Decisions to propose enforcement action will be made known to the public if adopted by a majority vote of the Board. A notice of intent to propose enforcement action with opportunity for hearing will be issued by the Board Administrator and served upon the applicant or licensee, and may be provided to the complainant.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 3-2016, f. & cert. ef. 8-8-16

DIVISION 120

CRIMINAL HISTORY CHECKS

833-120-0011

Purpose and Scope

(1) The purpose of these rules is to provide for the screening under ORS 181A.195 of licensees, registered interns, and applicants for licensure with the Oregon Board of Licensed Professional Counselors and Therapists to determine if they have a history of criminal behavior such that they would be unable to, or should not be allowed to, perform the services of a Licensed Professional Counselor or Licensed Marriage and Family Therapist.

(2) The following persons ("subject individuals") must take the steps necessary to complete a nationwide criminal history check under ORS 181A.195:

(a) All applicants for licensure to the Board in accordance with OAR 833 Division 20; and

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

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 11-10-11; Administrative correction 11-18-11; BLPCT 3-2011, f. 12-3-11, cert. ef. 12-15-11; BLPCT 1-2016, f. & cert. ef. 4-1-16; BLPCT 3-2016, f. & cert. ef. 8-8-16

833-120-0021

Procedural Requirements

(1) To complete a criminal history check, the Board will require each subject individual to:

(a) Provide fingerprints pursuant to ORS 181A.170 (additional fingerprints may be required if the initial fingerprints are rejected);

(b) Provide personal information necessary to obtain the criminal history check pursuant to OAR 125-007-0220; and

(c) Pay to the Board the actual costs charged by the Oregon State Police (OSP) and the Federal Bureau of Investigation (FBI).

(2) The Board may also request, and the applicant, licensee, or registered intern must provide, the following information:

(a) Responses to a criminal history questionnaire; and

(b) Written response to questions by the Board regarding the person's criminal history.

(3) The Board will make a final fitness determination based on criminal offender information and other factors, pursuant to ORS 181A.195(10)(d) and OAR 125-007-0260 to 125-007-0270.

(4) A subject individual may contest an adverse final fitness determination pursuant to OAR 125-007-0300.