

Chapter 833 Board of Licensed Professional Counselors and Therapists

DIVISION 1

PROCEDURAL

- 833-001-0000 Notice of Proposed Rulemaking
833-001-0005 Model Rules of Procedure
833-001-0010 Requiring an Answer to Charges As Part of Notices to Parties in Contested Cases
833-001-0015 Hearing Request and Answers; Consequences of Failure to Answer
833-001-0020 Obtaining Information

DIVISION 10

DEFINITIONS

- 833-010-0001 Definitions

DIVISION 20

APPLICATION

- 833-020-0001 Application for Licensure As a Professional Counselor
833-020-0010 Application for Licensure As a Marriage and Family Therapist
833-020-0020 Reapplication
833-020-0022 Application for Re-Licensure
833-020-0030 Semester Hour Equivalents
833-020-0040 Educational Qualifications for Licensure As a Professional Counselor
833-020-0050 Experience Requirements for Licensure as a Professional Counselor
833-020-0060 Examination Requirement for Licensure As a Professional Counselor
833-020-0080 Documentation of Requirements for Licensure As a Professional Counselor
833-020-0090 Educational Requirements for Licensure As a Marriage and Family Therapist
833-020-0100 Experience Requirements for Licensure as a Marriage and Family Therapist
833-020-0111 Examination Requirement for Licensure As a Marriage and Family Therapist
833-020-0120 Documentation of Requirements for Licensure As a Marriage and Family Therapist
833-020-0130 State Examination
833-020-0140 Reciprocity
833-020-0150 Application for Licensure by Registration as Intern
833-020-0155 Eligibility to Register as Intern
833-020-0160 Registration Plan
833-020-0165 Requirements to Maintain Registration

DIVISION 25

GRADUATE DEGREE STANDARDS AND CONTINUING EDUCATION

- 833-025-0001 Standards for Graduate Degrees
833-025-0005 Standards for Degree Coursework
833-025-0006 Additional Graduate Training to Supplement Degree Program
833-025-0050 Continuing Education and Supervision Requirements
833-025-0060 Documentation and Submission of Continuing Education

DIVISION 30

LICENSE ISSUANCE AND INTERN REGISTRATION

- 833-030-0001 Effective and Expiration Dates of Licenses
833-030-0005 Effective and Expiration Dates of Intern Registration

- 833-030-0010 License Renewal/Late Renewal
833-030-0015 Intern Registration Renewal/Late Renewal
833-030-0020 Duplicate Licenses

DIVISION 40

FEES

- 833-040-0001 Fees
833-040-0010 Fee Refunds
833-040-0020 Charges for Copies and Documents

DIVISION 50

PRACTICE

- 833-050-0001 Use of Title
833-050-0010 Filings with the Board
833-050-0020 Licensee Disclosure Statement
833-050-0025 Registered Intern Disclosure Statement
833-050-0030 Response to Complaints
833-050-0040 Disciplinary Action

DIVISION 55

IMPAIRED PROFESSIONAL PROGRAM

- 833-055-0001 Availability of Impaired Professional Program
833-055-0010 Confidentiality of Information
833-055-0020 Procedure

DIVISION 60

CODE OF ETHICS

- 833-060-0001 Code of Ethics

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 shall:

(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) Mail such notice to persons on the Board of Licensed Professional Counselors and Therapists mailing list established pursuant to ORS 183.335(7) and to the legislators specified in ORS 183.335(14) at least 28 days before the effective date of the rule.

(3) Mail or deliver 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

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 shall 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

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 OAR 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 OAR 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

833-001-0015

Hearing Request and Answers; Consequences of Failure to Answer

(1) A hearing request shall be made in writing to the Administrator by the party or the party's attorney.

(2) If an answer is required, it shall be made in writing to the Administrator by the party or the party's attorney and shall 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 shall 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) shall be presumed to be denied by the agency; and

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

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

833-001-0020

Obtaining Information

(1) The Board will provide the following information in response to in-person or telephone inquiries regarding applicants, registered interns, and licensees: 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.

(2) Requests for any information other than that listed in section(1) of this rule 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

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) "Accredited college or university" means the college or university is a fully accredited member of one of the regional institutional accreditation bodies or an institution that has been judged to have met standards to be comparable to those required for regional accreditation.

(2) "Application of counseling theories and techniques" may include diagnostic appraisal and assessment.

(3) "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 participants, and may include but not be limited to correspondence courses, viewing videos, home study, and enrolling in public television courses.

(4) "Equivalent" means comparable in content and quality, but not identical.

(5) "Identification and treatment" may include diagnostic appraisal and assessment.

(6) "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.

(7) "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.

(8) "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.

(9) "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.

Stat. Auth.: ORS 675.715 & ORS 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

DIVISION 20

APPLICATION

833-020-0001

Application for Licensure as a Professional Counselor

(1) Application for licensure shall be made to the Board office and be on forms provided by the Board.

(2) Application for licensure shall include gender, date of birth, social security number, practice and residence addresses, similar licenses held in other states, and history of professional convictions, discipline, or litigation and be accompanied by:

(a) The non-refundable application fee;

(b) Official transcript 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; and

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

Stat. Auth.: ORS 675.715 & ORS 675.785
 Stats. Implemented: ORS 675.715
 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

833-020-0010

Application for Licensure as a Marriage and Family Therapist

(1) Application for licensure shall be made to the Board office and be on forms provided by the Board.

(2) Application for licensure shall include gender, date of birth, social security number, practice and residence addresses, similar licenses held in other states, and history of professional convictions, discipline, or litigation and be accompanied by:

(a) The non-refundable application fee;

(b) Official transcript 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; and

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

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715

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

833-020-0020

Reapplication

(1) Applicants, under ORS 675.715, 675.720, 675.725, or 675.735, will be allowed one year from Board receipt of an application to file a complete application which documents that the applicant meets the educational and experience qualifications for licensure. Failure to withdraw the application or complete the process within the allowed time will result in closure of the file the same as if it were withdrawn. 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;

(c) No or an insufficient fee is received.

(2) Applicants who are approved for licensure will be allowed one year to complete the process from the date that notification of approval was mailed to the last known official address filed with the Board. Failure to withdraw the application or complete the process within the allowed time will result in closure of the file the same as if it were withdrawn.

(3) The Board retains the right to extend the one year period when it determines there is good reason for doing so.

(4) Applicants who are approved for examination shall maintain examination status by sitting for the competency portion of the examination once per year. Failure to document passage of an acceptable examination or registering and attempting to pass the competency portion of the state examination at least once per year will result in denial of licensure. Applicants will be allowed 30 days in which to complete and return the law and rules portion of the state examination. Failure to complete and return the examination to the Board office will result in closure of the file the same as if it were withdrawn.

(5) Applicants who are approved for registration as an intern, maintain registration status, and meet the conditions for annual renewal will be allowed five years to complete the experience necessary to be approved for licensure or for examination. Failure to meet the experience standards for licensure within five years will result in expiration of registration and closure of the file the same as if it were withdrawn.

(6) Applicants who submit complete documentation but are not approved for registration, examination, or licensure because the Board determines the documents do not show compliance with the required educational, supervised work experience, or reciprocal licensing standards shall 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) Former applicants who reapply for licensure may 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.

Stat. Auth.: ORS 675.715, ORS 675.785

Stats. Implemented: ORS 675.725

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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 1-1999, f. 12-29-99, cert. ef. 12-31-99; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-020-0022

Application for Re-Licensure

(1) To be considered for re-licensure, licensees whose licenses have been expired for less than two years from last date of renewal must file:

(a) An application for re-licensure, using forms provided by the Board, which shall 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) Payment of 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.

(d) Report listing 20 hours of continuing education meeting the standards set forth in OAR 833-025-0050, completed within one year prior to the date the Board will receive the new application or within the year allowed for application to be completed.

(2) To be considered for re-licensure, licensees whose licenses have been expired for two or more years from last date of renewal must file:

(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.

(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.

(3) All applicants for re-licensure, must successfully pass the current law and rules section of the state examination.

Stat. Auth.: ORS 675.785(1)

Stats. Implemented: ORS 675.720(4) & Ch. 463, OL 1999 amending ORS 675.725

Hist.: BLPCT 1-1999, f. 12-29-99, cert. ef. 12-31-99; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-020-0030

Semester Hour Equivalents

When requirements for licensure are given in quarter hours, the following formula shall be used to determine equivalent hours: two semester hours is equal to three quarter hours; or one semester is equal to 1.5 quarters. One quarter credit hour equals 10 clock hours; one semester credit hour equals 15 clock hours.

Stat. Auth.: ORS 675

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; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-020-0040

Educational Qualifications for Licensure as a Professional Counselor

To qualify for licensure as a professional counselor under ORS 675.715(2), an applicant shall hold one of the following:

(1) A graduate degree in counseling received from a program of no less than 72 quarter or 48 semester hours approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP);

(2) A graduate degree in counseling received from a program of no less than 72 quarter or 48 semester hours approved by the Council on Rehabilitation Education (CORE);

(3) A graduate degree determined by the Board to be comparable in both content and quality by meeting the academic and training program standards for graduate degrees set out in OAR 833-025-0001; or

(4) A graduate degree, determined by the Board to meet a majority of the graduate degree standards defined in OAR 833-025-0001, and sufficient additional graduate training as set forth in OAR 833-025-0005, that together meet the graduate degree standards which require a total of no less than 72 quarter or 48 semester hours of graduate academic coursework related to a degree in counseling.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1991, f. 9-30-91, cert. ef. 10-1-91; 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0050

Experience Requirements for Licensure as a Professional Counselor

To qualify for licensure as a professional counselor under ORS 675.715(3), an applicant shall have completed three years of full-time supervised counseling experience meeting the following interpretation and standards:

(1) The applicant must have completed no less than:

(a) 2,400 supervised direct client contact hours of counseling; and

(b) 120 supervision hours:

(A) Provided by an approved supervisor; and
(B) Obtained concurrently with the client contact hours.

(2) The 2,400 supervised direct client contact hours:

(a) Must have been face to face with a client or clients, except that up to 200 client contact hours may have been via telephone;

(b) Must have been obtained after receipt of the qualifying graduate degree, except that:

(A) Up to 800 client contact hours may have been completed during the clinical portion of the degree program; and

(B) No less than 480 post-degree client contact hours must have been completed within 60 months immediately prior to the application for licensure.

(3) The 120 supervision hours:

(a) Must be the result of a professional relationship between a qualified supervisor and a counselor. Such relationship involves discussions based on case notes, charts, records, and available audio or visual tapes. The supervisee presents assessments and treatment plans for the clients being seen. The supervisor focuses on the appropriateness of the plans and the supervisee's therapeutic skill. In contrast to consultation, the supervisor has the authority to direct treatment plans. In contrast to therapy, the supervisor will identify countertransference issues and develop a plan for the supervisee to work through those issues independently;

(b) Must be conducted in a professional setting, face to face, one to one, except:

(A) Up to 10 percent of the actual individual supervision hours for the client contact hours being submitted for licensure may be conducted by telephone;

(B) Up to 50 percent of the supervision may be received in a group setting, which:

(i) Includes no more than six (6) supervisees for supervision taking place after July 1, 1998;

(ii) Where the leadership does not shift from one supervisor to another; and

(iii) Is not a staff or team meeting, discussion group, consultation session, or quality review and peer review group.

(4) An approved supervisor, at the time of supervision must have:

(a) Held a master's degree in counseling or graduate degree judged equivalent by the Board;

(b) Had completed three years of post-graduate supervised clinical experience as a professional counselor or other mental health professional;

(c) For any supervision hours provided after June 30, 1992, had completed 30 clock hours of training in supervision theory and practice through post-master's workshops or post-master's graduate level academic coursework; and

(d) Was certified as a National Certified Counselor (NCC), Certified Clinical Mental Health Counselor (CCMHC), Certified Rehabilitation Counselor (CRC); or Certified Career Counselor (CCC); or

(e) Was licensed as a professional counselor in the State of Oregon or holds an Oregon or other state certification or licensure judged comparable by the Board, such as Oregon standard school counselors or Oregon psychologist associates or those state licensed as clinical psychologists, clinical social workers, and marriage and family therapists;

(f) In lieu of subsections (a), (b), (c), and (d), been an American Association for Marriage and Family Therapy approved supervisor or diplomate of the American Pastoral Counselors Association.

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

(5) Supervision hours must be obtained concurrently with the client contact hours based on a standard of at least one hour of supervision following no more than 20 client contact counseling hours.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 2-1996, f. 10-30-96, cert. ef. 11-1-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0060

Examination Requirement for Licensure as a Professional Counselor

All applicants for licensure as a professional counselor shall be required to pass an examination, which may consist of two separate examination sections, a competency section, which may be developed by the Board or be an approved alternative examination, and an Oregon laws and rules section.

(1) To qualify for licensure as a professional counselor under ORS 675.715(5), an applicant shall pass a competency examination administered by the Board or have passed one of the following competency examinations within 10 years from the date of application for licensure:

(a) National Counselor Examination;
(b) Certified Clinical Mental Health Counselor Examination;
(c) Certified Rehabilitation Counselor Examination; or
(d) Other exams as approved by the Board.

(2) The Board may use the National Counselor Examination (NCE) as the state examination.

(3) Passing scores:

(a) For applicants completing the NCE as the state examination, will be the passing score for the NCE as determined by the National Board using the Angoff method;

(b) For applicants who have passed the NCE for certification or for licensure in another state, or who have passed other examinations, the passing score established by the agency verifying passage of its examination.

(4) In addition to the approved competency examination, the Board may require passage of an Oregon state laws and rules examination.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96

833-020-0080

Documentation of Requirements for Licensure as a Professional Counselor

Applicants for licensure as a professional counselor shall document having met 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 to prove the degree meets the requirements of OAR 833-025-0001;

(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 per OAR 833-020-0050; 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 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715

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 1-1996, f. 1-3-96, cert. ef. 1-5-96

833-020-0090

Educational Requirements for Licensure as a Marriage and Family Therapist

To qualify for licensure as a marriage and family therapist under ORS 675.715(2), an applicant shall hold one of the following:

(1) A graduate degree in marriage and family therapy received from a program of no less than 72 quarter or 48 semester hours approved by the Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE); or

(2) A graduate degree determined by the Board to be comparable in both content and quality by meeting the academic and training program standards for graduate degrees set out in OAR 833-025-0001; or

(3) A graduate degree, determined by the Board to meet a majority of the graduate degree standards defined in OAR 833-025-0001, and sufficient graduate training as set forth in OAR 833-025-0005, that together meet the graduate degree standards which require a total of no less than 72 quarter or 48 semester hours of graduate academic coursework related to a degree in marriage and family therapy.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1991, f. 9-30-91, cert. ef. 10-1-91; 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0100

Experience Requirements for Licensure as a Marriage and Family Therapist

To qualify for licensure as a marriage and family therapist under ORS 675.715(4), an applicant shall have three calendar years of full-time supervised clinical work experience meeting the following interpretation and standards:

(1) The applicant must have completed no less than:

(a) 2,000 supervised client contact hours of therapy; and

(b) 100 supervision hours:

(A) Provided by an approved supervisor; and

(B) Obtained concurrently with the client contact hours.

(2) The 2,000 supervised direct client contact hours:

(a) Must have been obtained after receipt of the qualifying graduate degree;

(b) Must have been obtained in three or more different calendar years; and

(c) Must have been face to face with a client or clients, except that up to 200 client contact hours may have been via telephone;

(d) Must have included no less than 1,000 hours working with couples and families; and

(e) Must include no less than 480 supervised client contact hours completed within 60 months immediately prior to the application for licensure.

(3) The 100 supervision hours:

(a) Must be the result of a professional relationship between a qualified supervisor and a therapist. such relationship involves discussions based on case notes, charts, records, and available audio or visual tapes. The supervisee presents assessments and treatment plans for the clients being seen. The supervisor focuses on the appropriateness of the plans and the supervisee's therapeutic skill. In contrast to consultation, the supervisor has the authority to direct treatment plans. In contrast to therapy, the supervisor will identify countertransference issues and develop a plan for the supervisee to work through those issues independently;

(b) Must be conducted in a professional setting, face to face, one to one, except:

(A) Up to 10 percent of the actual individual supervision hours for the client contact hours being submitted for licensure may be conducted by telephone;

(B) Up to 50 percent of the supervision may be received in a group setting, which:

(i) Includes no more than six (6) supervisees for supervision taking place after July 1, 1998;

(ii) Where the leadership does not shift from one supervisor to another; and

(iii) Is not a staff or team meeting, discussion group, consultation session, or quality review and peer review group.

(4) An approved supervisor, at the time of supervision must have:

(a) Been an American Association for Marriage and Family Therapy (AAMFT) approved supervisor or a diplomate in the American Association of Pastoral Counselors; or

(b) Been licensed as a marriage and family therapist in the State of Oregon or held an Oregon or other state certification or licensure judged comparable by the Board, such as those for clinical psychologists, clinical social workers, and professional counselors and:

(A) Had specific training in the systemic approach to couples and family therapy;

(B) Had completed at least five years of clinical experience; and

(C) For any supervision hours provided after June 30, 1992, completed 30 clock hours of post-master's workshops or post-master's graduate-level training in supervision, theory and practice, the content of which included family and/or marriage and family treatment specialties.

(c) Been someone other than a spouse or relative by blood or marriage or a person with whom the applicant has or had a personal relationship.

(5) Supervision hours must be obtained concurrently with the client contact hours based on a standard of at least one hour of supervision following no more than 20 client contact therapeutic hours.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 2-1996, f. 10-30-96, cert. ef. 11-1-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0111

Examination Requirement for Licensure as a Marriage and Family Therapist

All applicants for licensure as a marriage and family therapist shall be required to pass an examination, which may consist of two separate examination sections, a competency section, which may be developed by the Board or be an approved alternative examination, and an Oregon laws and rules section.

(1) To qualify for licensure as a marriage and family therapist under ORS 675.715(5), an applicant shall pass a competency examination prescribed by the Board or have passed other approved alternative exams, within 10 years from the date of application for licensure, as approved by the Board.

(2) The Board prescribes as the competency portion to be the computerized marital and family therapy examination of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) in association with the Professional Examination Service.

(3) Passing score will be:

(a) The AMFTRB established passing score.

(b) The passing score established by the agency verifying passage of its examination, for applicants completing an approved alternative examination.

(4) In addition to the approved competency examination, the board requires passage of an Oregon state laws and rules examination.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-020-0120

Documentation of Requirements for Licensure as a Marriage and Family Therapist

Applicants for licensure as a marriage and family therapist shall document having met 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 to meet the degree requirements of OAR 833-025-0001;

(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 per OAR 833-020-0100(3); and

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

Stat. Auth.: ORS 675.715 & ORS 785

Stats. Implemented: ORS 675.715

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 1-1-996, f. 1-3-96, cert. ef. 1-5-96

833-020-0130

State Examination

The state examination may consist of two sections, a professional competency section developed by the Board or a national examination developed for counselors or marriage and family therapists and an Oregon laws and rules section. Sections may be administered and scored separately; however, the Board requires both be passed before the examination requirement for licensure is considered fulfilled.

(1) Applicants who have not taken and passed an approved competency examination within the last 10 years shall apply and be approved as meeting the education and experience requirements before submitting payment for and being authorized to take the competency examination.

(2) First-time applicants for state competency examination shall submit a completed application by the published cutoff date prior to the next scheduled examination in order to sit for that examination. Applicants who submit and complete application after the cutoff will be offered an opportunity to sit for the following examination. Information on the next examination scheduled will be available from the Board office.

(3) Payment for the examination or re-examination shall be made within the timeframes established by the Board or designated testing service.

(4) Examination candidates shall be required to produce authorization documents and picture identification or a prior approved substitute for picture identification before being allowed entrance to a board-administered examination.

(5) An examination candidate will be disqualified for obtaining help or information from notes, tests, or other individuals to answer the questions of the examination. A candidate will also be disqualified

for attempting to, or for removing test-related materials or examination question information from the examination site.

(6) The Board will notify examination candidates, in writing, of the results of the examination (passing, failing, score). Results will not be given by any other means.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.715 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-020-0140

Application for Licensure by Reciprocity

The Board will not grant blanket reciprocity. The Board will review the minimum standards for licensure by the other state at the time licensure was granted for equivalency with the Board's minimum standards for Oregon licensure. The Board will conduct a review for each applicant for reciprocity on an individual basis.

(1) Application for licensure shall be made to the Board office and be on forms provided by the Board.

(2) Application for licensure shall be accompanied by:

(a) The non-refundable application fee;

(b) Official transcript of graduate degree that qualified the individual for licensure in the other state;

(c) Verification of licensure from the other state and information on the education, experience and examination requirements for licensure in that state at the time licensure was granted; and

(d) Professional disclosure statement.

(3) Applicant may be required to complete and pass an Oregon laws and rules examination.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.735

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LPCT 1-1996, f. 1-3-96, cert. ef. 1-5-96

833-020-0150

Application for Licensure by Registration as Intern

Application for licensure as either an professional counselor or marriage and family therapist will be made in accordance with OAR 833-020-0001 or 833-020-0010, except the applicant shall:

(1) Request registration as an intern;

(2) Confirm the need to complete no less than 1,000 direct client contact hours toward the number needed for licensure under an approved registration plan;

(3) Submit attestations of any supervised work experience completed prior to application for registration that the applicant would like considered to supplement the plan toward the total number of hours required for licensure; and

(4) Submit a registration plan in the form and manner required by the Board to obtain the supervised work experience required for licensure in accordance with OAR 833-020-0050 or 833-020-0100.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0155

Eligibility to Register as Intern

To qualify for registration as an intern, an applicant for licensure:

(1) Shall have been found to hold a degree that meets the standards set forth in OAR 833-025-0001 through 833-025-0005;

(2) Shall meet the supervised work experience requirements upon completion of a registration plan(s) approved by the Board; and

(3) Shall agree to abide by the Board's reporting, Code of Ethics and professional disclosure statement requirements.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0160

Registration Plan

(1) To be considered for approval as a supervision plan for registration as an intern, the plan must include:

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

(b) Description of work experience: location where counseling/therapy will be performed, location where supervision will be provided, estimated client case load, type of activities or services performed by intern, hours of individual and group supervision, content of supervision, financial arrangements, board established responsibilities regarding all parties, including reporting requirements; and

(c) Signature of all parties.

(2) To be approved:

(a) The supervisor(s) must document meeting criteria for approval set forth in OAR 833-020-0050 or 833-020-0100;

(b) The plan must propose a level of supervision meeting at least the standards set forth in OAR 833-020-0050 or 833-020-0100;

(c) The registration plan must be pre-approved by the supervisor, administrator of agency or employer of the intern, and the intern;

(d) The plan must grant the supervisor the authority:

(A) To review all case records, billings, appointment books, and client population;

(B) To review and determine appropriate individual charts and case records;

(C) To direct the intern to refer inappropriate clients to other therapists;

(D) To determine appropriate client caseload to be served by the intern;

(E) To report to the Board and submit a written evaluation of supervision every six months and at the conclusion of the plan, including progress toward completion, on Board approved forms; and

(F) To report to the Board at any time deemed necessary by the supervisor.

(3) To continue to be approved by the Board, the supervision plan must be carried out as written or as modified with the prior approval of the Board.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-020-0165

Requirements to Maintain Registration

To maintain registration:

(1) The intern must meet the conditions set forth in the approved plan;

(2) The approved supervisor(s) must file six-month hours and evaluation reports with the Board;

(3) The approved supervisor(s) must report any interruptions or proposed termination of supervision;

(4) The intern must report any termination of supervision or employment;

(5) The intern must seek prior approval of any modifications to an approved plan;

(6) In the event of termination of a plan, the intern must submit a replacement plan for approval within 90 days of termination of the preceding plan.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

DIVISION 25

GRADUATE DEGREE STANDARDS AND CONTINUING EDUCATION

833-025-0001

Standards for Graduate Degrees

(1) A graduate degree shall be determined by the Board as comparable in content and quality to degrees from CACREP and CAMFTE approved programs, if issued by a degree-granting program that meets the following standards:

(a) The degree was from an institution that:

(A) Was a fully accredited member of one of the regional institutional accreditation bodies at the time the degree was granted;

(B) Had a published admissions policy;

(C) Maintained student files containing a transcript;

(D) Operated an on-site clinic or provided representative sites; and

(E) Had basic resource facilities.

(b) The degree was from a program that:

(A) Provided training in counseling or marriage and family therapy, recognized and supported by the institution;

(B) Had approval of the institution's governing body or state governmental body;

(C) Had identified goals and objectives with procedures for assessment;

(D) Maintained a file on all courses offered within the program, including syllabi, reading lists, description of evaluation process, with clearly identified prerequisite curricular experiences, core curriculum requirements, practicum and internship requirements;

(E) Had full-time (11/12 month) faculty program director or coordinator at the doctoral level in counseling, marriage and family therapy, or related professional specialty;

(F) Had full-time assigned faculty at the doctoral level in counseling or marriage and family therapy and adjunct faculty with graduate degrees in related professional specialty;

(G) Required students to have an approved faculty advisor at all times during enrollment;

(H) Had student admissions requirements consistent with general institutional admissions requirements for other graduate programs;

(I) Offered a minimum of a master's degree;

(J) Was of at least two years' duration, which by standard definition is 48 semester or 72 quarter hours;

(K) Included coursework requirements set forth in OAR 833-025-0005.

(L) Included a required supervised clinical experience for all students of no less than 600 clock hours; and

(M) Provided a practicum or internship site that:

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

(ii) Made provision for faculty monitoring of operations;

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

(iv) Had a written agreement with the program and student specifying learning objectives.

(v) Had a mechanism for program evaluation.

(2) Pursuant to ORS 675.715(1)(d), a graduate degree shall be determined to meet a majority of the Board's standards, as set forth in section (1) of the administrative rule, if issued by a degree granting program that:

(a) Was from an institution that:

(A) Was regionally accredited;

(B) Had a published admissions policy;

(C) Maintained student files containing a transcript;

(D) Provided oversight and review to approved representative clinical training sites; and

(E) Had minimal resources for continuation of program operation.

(b) As part of the degree program:

(A) Provided training in counseling or marriage and family therapy, recognized and supported by the institution;

(B) Had approval of the institution's governing body or state governmental body;

(C) Had identified goals and objectives with procedures for assessment;

(D) Maintained a file on all courses offered within the program, including syllabi, reading lists, description of evaluation process, with clearly identified prerequisite curricular experiences, core curriculum requirements, practicum and internship requirements;

(E) Had full-time faculty member as program director or coordinator at the doctoral level in counseling, marriage and family therapy, or related professional specialty;

(F) Had additional masters-level faculty, one of which must be a full-time faculty member;

(G) Provided a faculty advisor;

(H) Had student admissions requirements consistent with general institutional admissions requirements for other graduate programs;

(I) Offered a minimum of a master's degree;

(J) Was of at least one year in duration, which by standard definition is 30 semester or 45 quarter hours;

(K) Included minimum coursework requirements for the degree as set forth in OAR 833-025-0005;

(L) Included a degree-required clinical experience with on-site supervisors having competence in counseling or marriage and family therapy and field supervision;

(M) Assured there was an agreement as to goals with the clinical site and the site provided client privacy; and

(N) Had a mechanism for program evaluation.

(3) Detailed evaluation criteria may be obtained from the Board office.

Stat. Auth.: ORS 675.715

Stats. Implemented: ORS 675.715 & ORS 675.785

Hist.: 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-025-0005

Standards for Degree Coursework

(1) The curriculum standards for degrees set forth in OAR 833-025-0001(1)(b)(K) are to include as follows:

(a) For counseling degrees leading to a professional counselor license, based on 72 quarter or 48 semester hours:

(A) Counseling theory, three quarter hours;

(B) Human growth and development, three quarter hours;

(C) Social and cultural foundations, three quarter hours;

(D) The helping relationship, three quarter hours;

(E) Group dynamics processing and counseling, three quarter hours;

(F) Lifestyle and career development, three quarter hours;

(G) Appraisal of individuals, three quarter hours;

(H) Research and evaluation, three quarter hours;

(I) Professional orientation, three quarter hours;

(J) Clinical/applied experience, 12–24 quarter hours of at least 600 clock hours; and

(K) Supporting coursework for specialty areas, 24–33 quarter hours.

(b) For marriage and family therapy degrees leading to a marriage and family therapist license, based on 72 quarter or 48 semester hours:

(A) Human development, six quarter hours;

(B) Marital and family theoretical foundation studies, three quarter hours;

(C) Marital and family therapy assessment, treatment, principles and techniques studies, 12 quarter hours;

(D) Professional studies, three quarter hours;

(E) Research methods or statistics, three quarter hours;

(F) Clinical/applied experience, 12+ quarter hours of at least 600 clock hours; and

(G) Supporting coursework focusing on the systems paradigm for specialty areas, 24–33 quarter hours.

(2) To meet a majority of the curriculum standards for degrees, the degree program shall have required as a minimum the following:

(a) For counseling degrees leading to a professional counselor license, based on 45 quarter hours or 30 semester hours, of which 27 quarter hours shall be comprised of:

(A) Counseling theory, three quarter hours;

(B) At least three quarter hours in six of the following eight areas: human growth and development, social and cultural foundations, helping relationship, group dynamics, lifestyle and career development, appraisal of individuals, research and evaluation, professional orientation; and

(C) Clinical/applied experience, six quarter hours.

(b) For marriage and family therapy degrees leading to a marriage and family therapist license, 45 quarter hours or 30 semester hours, of which 27 quarter hours shall be comprised of:

(A) Human development, three quarter hours;

(B) Marital and family theoretical foundation studies, three quarter hours;

(C) Marital and family therapy assessment, treatment, principles and techniques studies, six quarter hours;

(D) Professional studies, research or statistics, three quarter hours;

(E) Counseling, psychology related topics, six quarter hours; and

(F) Clinical/applied experience, six quarter hours.

(c) For related degrees leading to a marriage and family therapist license, the same standards as set forth for counseling degrees to meet a majority of standards.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-025-0006

Additional Graduate Training to Supplement Degree Program

(1) Training used to supplement a degree program pursuant to OAR 833-025-0001(2), shall be taken and successfully completed for graduate credit at an accredited college or university as follows:

(a) For counseling or marriage and family therapy degrees meeting the requirements of OAR 833-025-0001(2)(a) and (b), as part of a graduate program, or at the graduate level through a counselor or marriage and family therapy program or any other department offering training that meets the competency areas for such a program as defined by CACREP or CAMFTE.

(b) For related degrees leading to the marriage and family therapist license meeting the requirements of OAR 833-025-0001(2)(c), as part of a structured degree program designed and offered as part of a clearly identified graduate level marriage and family therapy program;

(c) Up to but no more than one course of the training which is theoretical in nature may be by distance learning. Skill building coursework must be through attended classes or training.

(2) Regardless of the total number of quarter or semester hours completed by the applicant:

(a) For the professional counselor license, the minimum requirements set forth in OAR 833-025-0001(1)(a)(A-J) must be fulfilled. If the minimum requirements, have been fulfilled, but the applicant has not completed 72 quarter or 48 semester hours, then additional courses shall be required in other competency courses, in specialty areas, or in courses offering knowledge and skills for the practice of professional counseling.

(b) For the marriage and family therapist license, the following must be completed: human development coursework to a total of six quarter hours, marital and family theories studies to a total of three quarter hours, marital and family therapy, including studies containing the systemic approach to assessment, treatment, principles and techniques to a total of 12 quarter hours, and clinical/applied experience with couples and families to a total of 12 quarter hours. If the minimum requirements, have been fulfilled, but the applicant has not completed 72 quarter or 48 semester hours, then additional courses presented from a systemic approach shall be required in professional studies, specialty areas, or in courses offering knowledge and skills for the practice of marriage and family therapy.

(3) To fulfill the requirements for the clinical/applied experience, the applicant shall:

(a) Complete a practicum or internship for the required credits and to a total of at least 600 clock hours; or

(b) If the applicant has at least five years of full-time post-degree experience, may complete a class in advanced clinical or applied coursework which may not require site placement, but involves both theoretical and experiential components. Completion will waive the requirement that the clinical experience include at least 600 clock hours;

(c) The clinical experience for applicants for licensure of marriage and family therapists shall consist of work in relationship issues, couples, and families.

Stat. Auth.: ORS 675.715 & ORS 675.785

Stats. Implemented: ORS 675.715

Hist.: LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-025-0050

Continuing Education and Supervision Requirements

(1) Effective after renewal date April 1, 1998, licensees shall complete 40 clock hours of approved continuing education every two license years, April 1 through April 1, as a condition of renewal on April 1 of even-numbered years, except:

(a) For the first renewal after initial licensure, if first renewal is on an even-numbered year which will require no continuing education hours; or after the second renewal after initial licensure, if second renewal is on an even-numbered year which will require only 20 clock hours completed between licensure and second renewal;

(b) Following Board approval of a petition for waiver or extension of time based on documentation showing that the licensee was prevented from completing the requirements because of serious illness or disability.

(c) Following a contractual agreement with the Board that the licensee will not be practicing counseling or marriage and family therapy for an extended period of time because the licensee is retired; on maternity leave; or voluntarily not working; and that the licensee will not resume practice without a Board-approved plan for participating in 20 clock hours of continuing education or clinical supervision.

(2) Up to 20 hours may be satisfied through receipt of professional supervision by any licensed mental health professional. Supervision hours may be obtained by participation in a supervision group with a designated supervisor who is a state licensed mental health professional.

(3) Up to 10 hours claimed may be obtained through:

(a) Distance learning, such as correspondence courses.

(b) For a professional publication, not to exceed 5 hours per publication.

(4) Approved continuing education shall consist of professional education in one or more of the following program areas:

(a) For professional counselors:

(A) Counseling theory;

(B) Human growth and development;

(C) Social and cultural foundations;

(D) The helping relationship;

(E) Group dynamics;

(F) Life style and career development;

(G) Appraisal of individuals;

(H) Research and evaluation;

(I) Professional orientation and ethics; or

(J) Professional supervision training.

(b) For marriage and family therapists:

(A) Theory of marital and family therapy;

(B) Assessment and treatment in marital and family therapy;

(C) Human development and family studies;

(D) Ethics and professional studies;

(E) Research; or

(F) Professional supervision training.

(5) A "clock hour" shall be defined as 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:

(a) Fifteen clock hours shall be granted for one academic semester hour;

(b) Ten clock hours shall be granted for one academic quarter hour;

(c) Ten clock hours shall be granted for one continuing education unit;

(d) The number of clock hours granted for a program offered by an approved provider, as defined in section (6) of this rule, will be determined by the definition of clock hour in this rule.

(6) Approved programs shall include:

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

(b) Presentations sponsored by departments of accredited educational institutions; national, regional, state, or local professional

organizations or associations; public or private human services agencies or organizations; private consultants; or individuals that meet 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;

(F) Programs approved by National Association of Social Workers, National Board for Certified Counselors, Oregon Psychological Association, and American Counseling Association.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.725 & ORS 675.785

Hist.: 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-025-0060

Documentation and Submission of Continuing Education

(1) Licensees shall 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 courses or professional supervision received.

(2) Licensees shall maintain documentation as proof that the licensee has satisfied the continuing professional education requirements and, if requested by the Board, will make them available for inspection. Documentation shall include proof of actual attendance or completion as well as content, duration, and provider such as:

(a) Transcripts from accredited educational institutions when taken for credit;

(b) Certificates (originals or copies) of completion or signed statements from instructors for non-credit or audited courses at accredited educational institutions;

(c) Copies of certificates of completion furnished by the provider for non-accredited educational institution programs;

(d) Signed statements of professional supervision by the individual providing the supervision;

(e) Copies of documents detailing description of program, including but not limited to content, dates, instructor, sponsor, and duration.

(3) 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 claimed, failure to make such records available to the Board for inspection, or falsification of reports may result in disciplinary action by the Board.

(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

Stats. Implemented: ORS 675.725

Hist.: 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

DIVISION 30

LICENSE ISSUANCE AND INTERN REGISTRATION

833-030-0001

Effective and Expiration Dates of Licenses

(1) Initial licenses shall be issued for no more than one year, expiring on April 1 following issuance.

(2) Date of issue shall be the date all qualifications for licensure are determined to have been met.

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

(4) A licensee may voluntarily surrender a license only upon the express written consent of the Board. Such license will not be subject to renewal.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.725 & 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 1-1996, f. 1-3-96, cert. ef. 1-5-96

833-030-0005

Effective and Expiration Dates of Intern Registration

(1) Initial registration as an intern shall be effective when the supervision plan is approved by Board or delegate.

(2) Registration shall be for one year, expiring on the first day of the month of initial registration became effective. For example, registration taking effect on March 15, 1998, will expire as of March 1, 1999.

(3) A registered intern may voluntarily resign registration only upon the express written consent of the Board. A resigned registration will constitute withdrawal of application for licensure and prevent renewal.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-030-0010

License Renewal/Late Renewal

(1) Renewal of a license may be made by payment of the renewal fee no more than 45 days before, or on the renewal date, April 1, (determined either by date postmarked by US Postal Service or, if not postmarked, by date received in Board office) accompanied by:

(a) The completed renewal form provided by the Board which shall include a sworn statement that there is no reason for denial of renewal;

(b) Continuing education information detailing compliance with the requirements, if applicable;

(c) An updated, professional disclosure statement, if renewal information indicates that the one on file with the Board can no longer be approved because it may be construed to contain false, incomplete or misleading information.

(2) Renewal of license may be made within 30 days of the annual renewal date, between April 1 and April 30, in the same manner set forth in section (1) of this rule, plus payment of the restoration fee established by the Board.

(3) A licensee who has not renewed his/her license or who has not met the requirements for renewal on or after May 1, may no longer renew the license.

Stat. Auth.: ORS 675.785(1)

Stats. Implemented: ORS 675.720(4) & Ch. 463, OL 1999 amending ORS 675.725

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 1-1999, f. 12-29-99, cert. ef. 12-31-99

833-030-0015

Intern Registration Renewal/Late Renewal

(1) Renewal of intern registration may be made by payment of the renewal fee no more than 45 days before, on, or within 30 days after the annual renewal date (determined either by date postmarked by US Postal Service or, if not postmarked, by date received in Board office) accompanied by:

(a) The completed renewal form provided by the Board, which shall include a sworn statement that the intern is actively engaged in carrying out his or her supervision plan as approved by the Board, and that there exists no reason for denial renewal;

(b) An updated, approved professional disclosure statement, if renewal information indicates that the one on file with the Board can no longer be approved because it may be construed to contain false, incomplete or misleading information.

(2) Renewal may be denied if any of the conditions of the plan are not being met, including, but not limited to submission of evaluation reports by the supervisor(s).

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-030-0020

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

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

DIVISION 40

FEES

833-040-0001

Fees

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

(1) Application for licensure — \$125.

(2) Initial license — \$100.

(3) Annual renewal of license — \$125.

(4) Restoration fee — \$50.

(5) Examination:

(a) For professional counselor license — \$75;

(b) For marriage and family therapist license — 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 — \$80.

Stat. Auth.: ORS 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 1-1991, f. 9-30-91, cert. ef. 10-1-91; LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LCPT 1-1997, f. 10-10-97, cert. ef. 11-1-97; BLPCT 1-2001(Temp), f. & cert. ef. 7-13-01 thru 1-1-02; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-040-0010

Fee Refunds

(1) Examination fees will be refunded if the applicant does not meet the qualifications for licensure, if submitted before authorization for examination has been granted.

(2) Examination fees will not be refunded once an applicant has been approved to take the examination, even if the applicant is unable to participate in the examination for any reason.

(3) Overpayment of fees or fees submitted before required as part of application, shall be refunded.

Stat. Auth.: ORS 675.705 - ORS 675.835

Stats. Implemented:

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

833-040-0020

Charges for Copies and Documents

(1) All requests for copies of public records pertaining to the Board of Licensed Professional Counselors and Therapists and available at the Board office shall be in writing.

(2) Charges for copies, documents, and services shall be as follows:

(a) For machine copies requested by other state agencies and by the general public, twenty five cents per image;

(b) For documents developed by the Board, an amount fixed by the Board Administrator not exceeding the actual preparation cost per copy;

(c) For both machine copies and documents, an additional amount set at the discretion of the Board Administrator for staff time required for search, handling, and copying.

(3) Charges for the general public shall be payable by check or money order. Charges to state agencies shall be payable in cash unless billing to such agencies is authorized by the Board Administrator.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 192.440

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

DIVISION 50

PRACTICE

833-050-0001

Use of Title

Licensees with licenses that have not been expired for more than 30 days or been suspended or revoked, issued by the Board may use the title "licensed" in conjunction with the terms professional counselor or marriage and family therapist, or the initials "LPC" or "LMFT" or any permutation of those initials, to indicate license held. Licensees with licenses that have expired for more than 30 days, that have been suspended or revoked, or that have been resigned or retired shall not use the title "licensed" and shall make clear to clients that they are not currently licensed and do not possess a valid license as set forth in ORS 675.825(b) and (c).

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.825

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 1-1996, f. 1-3-96, cert. ef. 1-5-96

833-050-0010

Filings with the Board

(1) All licensees and registered interns shall file the following information with the Board:

(a) Residence address, both location and post office box, if applicable;

(b) Name of business or businesses, where counseling or marriage and family therapy is performed, and address, both location and post office box, if applicable, or confirmation that licensee is not currently practicing;

(c) Telephone number of place or places of practice;

(d) Complete copy of current, up-to-date and accurate Disclosure Statement being provided to clients as required of licensee and registered interns.

(2) Any initial filings or changes to any of the filings required by this rule shall be reported to the Board office in written form and signed by the licensee. Initial filings shall be made within 30 days from the date of licensing. Report of any change of information shall be made within 30 days of the change.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.825

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

833-050-0020

Licensee Disclosure Statement

(1) To be approved by the Board, the professional disclosure statement shall include the information set forth in and required by ORS 675.755 and shall:

(a) Include the name of the business as part of the business address;

(b) As part of the philosophy of counseling, include reference to any codes of standards or ethics to which the licensee subscribes, including statement that the licensee will adhere to the Oregon Licensing Board's Code of Ethics set forth in OAR chapter 833, division 60;

(c) Include the bill of rights of clients listed in section (4)(h)(A)—(G) of the Code of Ethics;

(d) Include formal education and training, title of highest relevant degree, school granting degree, and major coursework;

(e) Include the state licensure requirements for continuing education as well as any significant post-degree work relating to professional practice;

(f) Be printed on forms no less than 8-1/2 inches wide by 11 inches long, with clear type no smaller than 10 point so as to be easily read by the average person, or be made accessible to people with disabilities;

(g) Include for fee a dollar rate, dollar rate range, statement that no fees will be charged, or that no additional fee will be added to another set fee such as a hospital room daily charge.

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

(3) 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, are exempt from filing a professional disclosure statement for board approval.

(b) Licensees not practicing professional counseling or marriage and family therapy in Oregon are exempt from filing and maintaining an approved professional disclosure statement with the board and from distributing a copy to clients.

(c) Licensees providing crisis response are exempt from distributing professional disclosure statements to clients prior to the performance of professional counseling or marriage and family therapy.

(d) Licensees who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements, including but not limited to: name, practice address and telephone number; fee schedules; or other specific board required information, and have received written exemption from the Board.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 192.440

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

833-050-0025

Registered Intern Disclosure Statement

(1) Registered interns shall furnish clients with a copy of a professional disclosure statement.

(2) To be approved by the Board, the professional disclosure statement for registered interns shall include the information set forth in and required by ORS 675.755 and shall:

(a) Include the name of the business as part of the business address;

(b) As part of the philosophy of counseling, include reference to any codes of standards or ethics to which the registered intern subscribes, including statement that the intern will adhere to the Oregon Licensing Board's Code of Ethics set forth in OAR chapter 833, division 60;

(c) Include the bill of rights of clients listed in section (4)(h)(A)—(G) of the Code of Ethics;

(d) Include formal education and training, title of highest relevant degree, school granting degree, and major coursework;

(e) Include the name of the registered intern's approved supervisor(s);

(f) Be printed on forms no less than 8 1/2 inches wide by 11 inches long, with clear type no smaller than 10 point so as to be easily read by the average person, or be made accessible to people with disabilities; and

(g) Include for fee a dollar rate, dollar rate range, statement that no fees will be charged, or that no additional fee will be added to another set fee such as a hospital room daily charge.

(3) Registered interns shall 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) Exemptions to the professional disclosure statement requirements set forth in ORS 675.755 include:

(a) Registered interns practicing outside Oregon who are not required to provide disclosure statements to clients; however, must inform clients that they are working toward licensure in the state of Oregon, the name of their clinical supervisor, and provide the address and telephone number of the Board upon request.

(b) Registered interns providing crisis response are exempt from distributing professional disclosure statements to clients prior to the performance of professional counseling or marriage and family therapy.

(c) Registered interns who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements, including but not limited to: name, practice address and telephone number; fee schedules; or other specific board required information, and have received written exemption from the Board.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.720

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

833-050-0030

Response to Complaints

(1) Charges or information, filed by any person, group of persons, or the Board on its own action that a counselor or therapist, licensee, or applicant for licensure is incompetent or has committed an act or acts in violation of ORS 675.745, 675.755, or 675.765, the licensing law or rules adopted by the Board including the Code of Ethics shall be considered a complaint of professional misconduct.

(2) Charges or information, filed by any person, group of persons, or the Board on its own action that a person who does not hold a valid license issued under ORS 675.715 is or has indicated state licensure as a professional counselor or marriage and family therapist shall be considered a complaint of title violation.

(3) The Board shall make forms available to the public and encourage complainants to use the Board's form. However, the complaint may be filed in any format, written or oral as long as it:

(a) Is filed at the Board office;

(b) Includes a first and last name of the counselor or therapist who is the subject of the complaint; and

(c) Indicates incompetence, or action that may be considered misconduct or violation of the law or rules administered by the Board.

(4) Upon receipt of a complaint, a complaint file will be opened. The complaint will be immediately assigned to a delegated representative who will conduct a preliminary investigation or review and determine if additional investigation and the assignment of additional investigators is necessary or file a report with the Board recommending the complaint be dismissed without further action.

(5) Additional investigators will be assigned by a delegated representative of the Board and the subject of the complaint will be notified that he/she is under investigation and provided with general information regarding the nature of his/her conduct that is being investigated. Notification may request a written response. Licensees and applicants shall cooperate with Board representatives during investigations.

(6) At the conclusion of the investigation, a report will be filed with the Board pursuant to chapter 791, Oregon Laws 1997. The report shall:

(a) Describe evidence, summarize witness interviews, and present any disciplinary history with the Board;

(b) Be submitted within 120 days from the date the complaint was filed, unless a 30-day extension or subsequent 30-day extensions were granted by a delegate of the Board for just cause, which may include but not be limited to complexity of case, location of evidence or witnesses, unavailability of witnesses, number of other pending actions involving licensee/applicant that affect ability to obtain evidence, ability of investigator to accomplish task due to workload, health, work schedule, or previous personal commitments, end of appointment, termination of employment or contract, or legal actions.

(7) Following review of the investigation report, the Board may dismiss the complaint, issue a warning, propose disciplinary action, propose non-disciplinary action, negotiate a stipulated agreement in lieu of hearing, default, or disciplinary action. Board discussions will be 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 disciplinary action, suspension, revocation, or denial of license, will be made known to the public if adopted by a majority vote of the Board. A notice of intent to propose disciplinary 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.

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

(9) Complaint and information gathered by investigation into licensee or applicant competency or conduct will be kept confidential pursuant to chapter 791, Oregon Laws 1997. The Board shall not reveal when a complaint has been filed nor identify the identity of the person or persons filing the complaint. Only information included in the notice to take disciplinary action voted by a majority of the Board and the final order or stipulated agreement will be available to the public.

Stat. Auth.: ORS 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-050-0040

Disciplinary Action

(1) The Board shall initiate disciplinary actions for failure to meet professional conduct and practice standards, or violation of the licensing law or rules when it determines probable cause of

(a) Failure to meet the standards requirements for continuation of licensure that are unlikely to harm clients or the public;

(b) Professional misconduct or incompetence that are capable of causing or resulting in harm to a client or the public;

(c) Title violation.

(2) Proposed disciplinary actions include, but are not limited to:

(a) Suspension or revocation of licensure;

(b) Refusal to issue or renew a license;

(c) Civil penalty of up to \$1,000 per occurrence for violation.

(d) Reprimand, probation, probation with specific conditions.

(3) Negotiated disciplinary actions include, but are not limited to, letter of reprimand, limited suspension, probation, limited practice, education, enrollment in an impaired professional program, rehabilitation, supervision, therapy, payment, or any combination thereof.

(4) Non-disciplinary actions include, but are not limited to, letter of concern; voluntary diversion or enrollment in an impaired professionals program, education, rehabilitation, supervision, therapy, payment, or any combination thereof.

(5) Licensees participating in the continuing education audit that are unable to satisfactorily document that they completed training meeting the standards set forth in OAR 833-025-0050 and 833-025-0060 will be assessed a civil penalty as follows:

(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 less hours — \$1,000.

(e) The civil penalty cannot be paid in lieu of training.

(6) Licensees who submit no documentation or fail to respond when selected for continuing education audit will face suspension of their licenses.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.745

Hist.: LPCT 1-1996, f. 1-3-96, cert. ef. 1-5-96; BLPCT 2-2001, f. 9-19-01, cert. ef. 10-1-01

DIVISION 55

IMPAIRED PROFESSIONAL PROGRAM

833-055-0001

Availability of Impaired Professional Program

(1) Pursuant to ORS 675.785(15), the Board establishes an impaired professional program to assist licensees, who are unable to competently or safely practice counseling or marriage and family therapy because of substance abuse or mental or physical illness, to retain or regain their licenses by imposing participation as a condition of reissuance or retention of licensure.

(2) The program shall be available to licensees or former licensees seeking re-licensure who:

(a) Voluntarily seek assistance or self referral; and

(b) Have been referred by the Board in lieu of or in addition to disciplinary action.

(3) The program shall not be available to licensees or former licensees seeking re-licensure who:

(a) Have been diagnosed as requiring treatment for sexual offenders;

(b) Have been previously disciplined by the Board at least three times;

(c) Have previously enrolled in the program and been referred to the Board for disciplinary action.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-055-0010

Confidentiality of Information

(1) Confidentiality of information within the possession of the Board and compiled as part of the impaired professional program shall be regulated by state and federal confidentiality rules. As a general rule, information shall not be considered public record; however, such information may be disclosed:

(a) Pursuant to an order of the court;

(b) Pursuant to chapter 791, Oregon Laws 1977;

(c) Pursuant to written release;

(d) In a disciplinary hearing before the Board or in a subsequent trial or appeal of a Board action or order.

(2) The name of a any licensee who voluntarily enrolls and completes the program, including required aftercare shall not be published.

(3) Enrollment may be disclosed, and possibly published when enrollment is in lieu of or in addition to disciplinary action.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

833-055-0020

Procedure

(1) Upon its own motion, receipt of a complaint, as the result of an investigation, or as part of contested case action under ORS 183.310 to 183.550, or as a result of self-referral, the Board may require a licensee to undergo evaluation and/or rehabilitative therapy for impairment.

(a) Evaluation will be performed by a drug and evaluation center or professional of the Board's choosing. The evaluator shall have access to all materials regarding the licensee in the Board's files and will have additional authority to contact all persons who have communicated with the Board regarding the alleged impaired status of the licensee.

(b) Rehabilitative therapy shall be provided by a agency or professional approved by the Board.

(c) The costs of evaluation and/or therapy will be the responsibility of the enrolled licensee.

(d) The results of evaluation and/or therapy will be filed with the Board.

(2) The Board may impose one or more disciplinary sanctions under ORS 675.745 against a licensee or former licensee who:

(a) Refuses to cooperate with an evaluation ordered by the Board;

(b) Refuses to enter a rehabilitation program or to participate in ongoing monitoring recognized by the Board;

(c) Fails to sign a release allowing the Board to fully communicate with the evaluator and/or rehabilitation program regarding results, progress, or lack of progress;

(d) Fails to complete a rehabilitation program or ongoing monitoring program recognized by the Board.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

DIVISION 60

CODE OF ETHICS

833-060-0001

Code of Ethics

Individuals licensed or registered as interns by the Board of Licensed Professional Counselors and Therapists shall abide by the following code of ethics. Violation of the provisions of this code of ethics shall be considered unprofessional or unethical conduct and is sufficient reason for disciplinary action, including but not limited to denial of licensure.

(1) Responsibility. A licensee's primary professional responsibility is to the client. A licensee must make every reasonable effort to advance the welfare and best interests of families and individuals. A licensee must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the licensee's services are used appropriately:

(a) A licensee must recognize that there are other professional, technical, and administrative resources available to clients. The licensee must make 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;

(b) A licensee must seek appropriate professional assistance for the licensee's own personal problems or conflicts that are likely to impair the licensee's work performance and clinical judgment;

(c) A licensee must 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 must accept responsibility for the effects of the actions of the trainee or intern of which they should be aware;

(d) A licensee must 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;

(e) In the course of professional practice, a licensee must not violate any law concerning the reporting of abuse of children and vulnerable adults;

(f) A licensee must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social status, or choice of lifestyle;

(g) A licensee must not provide services to a client when the licensee's objectivity or effectiveness is impaired. Whenever a licensee's objectivity or effectiveness becomes impaired during a professional relationship with a client, the licensee must notify the client orally or in writing that the licensee can no longer serve the client professionally and must make a reasonable effort to assist the client in obtaining services from another professional;

(h) A licensee must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A licensee must advise a client that all decisions are the responsibility of the client;

(i) A licensee must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

(2) Integrity. A licensee must act in accordance with the highest standards of professional integrity and competence. A licensee must be honest in dealing with clients, students, trainees, colleagues, and related third parties, and the public:

(a) A licensee must recognize the potentially influential position the licensee may have with respect to students, employees, supervisees, and clients and must avoid exploiting the trust and

dependency of these persons. A licensee must make every effort to avoid dual relationships. Examples of such dual relationships include, but are not limited to, provisions of counseling or therapy to persons with whom licensee has had a sexual relationship, relatives, students, employees, or supervisees, and business or close personal relationships with students, employees, supervisees, or clients:

(A) A licensee shall not enter into a relationship with a client that conflicts with the ability of the client to benefit from the professional relationship or that may impair the professional judgment of the licensee or increase the risk of exploitation of the client;

(B) A licensee shall not enter into an employer, supervisor, or other relationship where there is potential for exercising undue influence on any client. 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;

(C) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a supervisee;

(D) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a client, or with a former client within three years since the rendering of professional services;

(E) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a former client after three years from the termination of services if such act or solicitation could exploit the client. 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, and whether the licensee attempted to protect the client by referral or consultation;

(F) A licensee shall not enter into an employment, business, supervisory, or other personal relationship or relationship that involves the exchange of goods and services with a former client 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.

(b) A licensee must make financial agreements regarding referrals known to client;

(c) A licensee must 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;

(d) A licensee must not engage in sexual or other harassment of a client, former client, or supervisee, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client or former client;

(e) A licensee must not use the counseling relationship to further personal, religious, political, sexual, or financial interests;

(f) A licensee must inform 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 therapist may terminate the relationship.

(3) Confidentiality. A licensee must hold 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 must safeguard client confidences as permitted by law and rule:

(a) A licensee must not use any confidence of a client to the client's disadvantage;

(b) A licensee, and employees and professional associates of the licensee, must not disclose any private information that the licensee, employee, or associate may have acquired in rendering services except as provided by law or rule. All other private information must be disclosed only with the informed consent of the client;

(c) A licensee must be responsible for being aware of the complicated regulations concerning confidentiality and for informing clients of the limits of confidentiality;

(d) Whenever licensee services are requested or paid for by one client for another, the licensee must inform both clients of the

licensee's responsibility to treat any information gained in the course of rendering the services as private information;

(e) A licensee must limit access to client records and must inform 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 informed written consent of the client. Client records are defined as the records of the counseling or therapeutic relationship, including interview notes, test data, correspondence, or recordings;

(f) A licensee must continue to maintain as private information the records of a client after the professional relationship between the licensee and the client has ceased. The licensee must store and dispose of records in ways that maintain confidentiality. The licensee must make provision for the confidential disposition of records in the event the licensee is unable to do so for reasons such as illness or death;

(g) A licensee must disclose to the Board and its agents client records that the Board and its agents consider to be germane to a disciplinary proceeding;

(h) 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;

(i) A licensee must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications;

(j) A licensee shall provide 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 107 and ORS 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;

(k) Licensee should keep client records no less than five years from conclusion of treatment and should inform clients as to how long records are retained.

(4) Deportment. A licensee accepts the obligation to conform to higher standards of personal conduct than those applying to the general public. A licensee will respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession:

(a) A licensee must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the licensee's qualifications, services, or products. A licensee must not advertise in a way that is false, fraudulent, or misleading to the public. A licensee must not engage in any conduct likely to deceive or defraud the public or the Board. A licensee shall not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation. A licensee must report to the Board any civil lawsuit brought against the licensee which relates in any way to the licensee's professional conduct and notify the Board of any disciplinary action or loss of a mental health professional or state license, certification, or registration;

(b) A licensee must file a complaint with the Board when the licensee has reason to believe that another licensee is or has been engaged in conduct which 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; however, this does not relieve a licensee from the duty to file any reports required by law, concerning abuse of children and vulnerable adults;

(c) A licensee must 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 ethical proceedings. A licensee must cooperate 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;

(d) A licensee must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of colleagues in other allied professions, and must not disparage the qualifications of any colleague;

(e) A licensee must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the counseling or therapeutic relationship;

(f) A licensee must make certain that the qualifications of persons in a licensee's employ are represented in a manner that is not false or misleading;

(g) A licensee must not perform, nor pretend to be able to perform, professional services beyond the licensee's field or fields of competence. A licensee shall not misrepresent professional qualifications, education, experience, or affiliations. A licensee shall not provide what is, or may be reasonably considered, inappropriate, unnecessary, or inadequate treatment or counseling/therapeutic services;

(h) A licensee must make 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 minimal 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 and law, including the following exceptions:

(i) Reporting suspected child abuse;

(ii) Reporting imminent danger to client or others;

(iii) Reporting information required in court proceedings or by client's insurance company, or other relevant agencies;

(iv) Providing information concerning licensee case consultation or supervision; and

(v) Defending claims brought by client against licensee.

(G) To be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services.

Stat. Auth.: ORS 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 1-1996, f. 1-3-96, cert. ef. 1-5-96; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98

