

Chapter 877 Board of Clinical Social Workers

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DIVISION 1

PROCEDURAL RULES

877-001-0000

Providing Notice of Rule Adoption

Prior to adoption, amendment, or repeal of any Rule, the State Board of Clinical Social Workers shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.

(2) By furnishing a copy of the notice to persons on the Board's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule.

(3) By furnishing a copy of the notice to:

(a) The United Press International;

(b) The Associated Press;

(c) The Oregon Chapter of the National Association of Social Workers.

Stat. Auth.: ORS 183 & 675.510 - 675.600

Stats. Implemented: ORS 183.335

Hist.: BCSW 1-1980, f. & ef. 8-27-80; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 2-2005, f. & cert. ef. 12-22-05

877-001-0005

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 and procedures of the State Board of Clinical Social Workers and shall be controlling except as otherwise required by statutes or rules.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Board of Clinical Social Workers.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-001-0010

Rulemaking

(1)(a) Pursuant to ORS 183.330–183.410 and rules adopted August 5, 1980, the Board may make rules necessary to carry out provisions of Chapter 769, Oregon Laws 1979 and ORS 44.040 and amend or repeal any rule or regulation it makes;

(b) Any person may appear and be heard at a hearing on any rules or regulations. The Board Administrator shall record the names and addresses of persons appearing. The Administrator shall send written notice to any person heard or represented at a hearing or requesting notice of the action taken by the Board;

(c) Before it becomes effective, a rule or regulation, or amendment or repeal, may be reviewed by the Attorney General's office.

(2) Contents of the Rules: The Board is authorized to adopt rules and regulations relating to the professional behavior and ethics of the practice of Clinical Social Work and the qualifications for certification and licensing of Clinical Social Workers consistent with the protection of the health and general welfare of the people in the State of Oregon, and consistent with the intent of Chapter 769, Oregon Laws 1979.

(3) Copies of the Rules: Copies of the proposed rules may be obtained from the State Board of Clinical Social Workers.

Stat. Auth.: ORS 183 & 675.510 - 675.600

Stats. Implemented: ORS 183.360

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92

DIVISION 10

BOARD DUTIES AND PROCEDURES

877-010-0000

Board Meetings

The State Board of Clinical Social Workers shall meet at least six times a year to accomplish its work. The Board shall meet at a time and place specified by the Board and at such other times and places as specified on call of the Chair, or a majority of Board members, or by the Governor. Notice of time and place of regularly scheduled, special, and emergency meetings shall be given by notification to the Associated Press, United Press International and other parties who have expressed an interest in the Board's activities.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01

877-010-0005

Quorum Required

A majority of the Board constitutes a quorum for the transaction of business. A majority of the quorum of the Board must concur upon any official business transacted by the Board at the meeting.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1994, f. & cert. ef. 2-17-94

877-010-0010

Internal Organization

At the first meeting beginning each fiscal year, organizational matters, including review of responsibilities assigned to Board members, shall be the first order of business. The terms of the previous Chair and Vice-Chair and all other positions of assigned responsibility shall expire at this time. However, a Chair or Vice-Chair or any assigned responsibility can be changed or replaced by a majority vote of the members at any meeting where the proposal has been placed on the agenda and sent to the members two weeks in advance of the meeting, or by unanimous consent of members at the meeting.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-2001, f. & cert. ef. 5-4-01

877-010-0015

Chair's Responsibilities

(1) Decisions required to be made by the Board, and administrative actions which the Chair intends to carry out shall be presented for the Board's review at the next meeting. The Chair is authorized to take emergency action between Board meetings, subject to ratification by the Board. However, in the case of actions significant enough to normally require Board decision, the Chair shall first attempt to get authorization for such decision for the Board members through telephone communication. All emergency actions of any kind shall be noted in the agenda for the next meeting and shall become the first order of business at that next meeting.

(2) The Vice-Chair shall officiate in lieu of the Chair when the Chair is unable to perform the required duties.

Stat. Auth.: ORS 675

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82

877-010-0020

Board Communications

All correspondence in support of Board activities shall be prepared by the Board Administrator. When deemed necessary or appropriate, the Administrator will review correspondence with the Board Chair and/or the Board's legal counsel. The full Board should approve in advance any correspondence which may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the Chair may be required to take immediate action which shall be reviewed at the next meeting of the Board.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01

877-010-0025

Board Files

All Board files shall be retained in the Board's official office. The Board Administrator shall maintain a master record of any files which are checked out of the Board office by Board members. The Board Administrator shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy. Board files shall be retained for a period of seven years after the lapse of a license.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05

877-010-0030

Minutes and Agendas

(1) The minutes of a meeting shall be distributed to all Board members within three weeks following the meeting.

(2) The Board Administrator shall prepare a draft agenda with review by the Chair before distribution to Board members and the public. The agenda items shall include reports by the Board's Administrator, the Chair, and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Chair, the Board Administrator may make additional scheduling at the direct request of Board members. The Board, may, at its discretion, revise the agenda or limit it to a particular topic under special circumstances. Reports not discussed may be added to the typed minutes of any meeting.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-2001, f. & cert. ef. 5-4-01

877-010-0040

Publications

The Board shall make available upon request and payment of a fee, a list of the names and addresses of all persons who have been certified or licensed under ORS 675.510 to 675.600.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900
 Stats. Implemented: ORS 675.510 - 675.600 & 675.900
 Hist.: BSCW 1-1982, f. & ef. 1-29-82; BCSW 2-1991, f. & cert. ef. 5-30-91;
 BCSW 2-1993, f. & cert. ef. 10-13-93; Renumbered from 877-020-0040; BCSW
 1-1997, f. & cert. ef. 3-25-97

877-010-0045

Charges for Materials and Services

(1) All requests for copies of public records pertaining to the State Board of Clinical Social Workers available at the Board office shall be submitted 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, the accepted government agency rate per copy.

(b) For documents developed by the Board, an amount fixed by the Board Administrator not exceeding the actual preparation and materials 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 may be payable in cash. Charges to state agencies may be payable in cash unless billing to such agencies is authorized by the Board Administrator.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.590

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01

DIVISION 20

PROCEDURE FOR CERTIFICATION AND LICENSING

877-020-0000

Definitions

An "agency" is an organization that, through its employees, engages in clinical social work (defined in ORS 675.510(2)) and in which:

(1) Cases are assigned through a central process;

(2) Billing is centralized and done in the organization's name;

(3) The organization collects all fees including deductibles and co-payments;

(4) The organization controls client records and is responsible for their proper storage and destruction;

(5) The organization controls office space by renting, owning, or leasing it;

(6) The organization displays its name on the premises so as to be clearly visible to clients;

(7) The name of the organization is on all forms given to the client;

(8) The organization maintains the responsibilities for hiring and firing of staff;

(9) The organization pays the staff for clinical services;

(10) Supervision of clinical social work associates is provided on a regular basis;

(11) Evaluation of the competence of social workers who provide social work services at the organization is provided on a regular basis; and

(12) Policies and procedures of the organization are available in written form for the staff and clients.

Stat. Auth.: ORS 675.510 - 675.600 & 675.990

Stats. Implemented: ORS 675.590

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0005

Rules Applicable to Certification and Licensing

This division of rules contains:

(1) The requirements to obtain and renew a certificate of social work associate.

(2) The requirements to obtain and renew a clinical social work license.

(3) The rules regarding the surrender and reissuance of a license.

(4) The rules regarding the surrender and reissuance of a certificate.

(5) The process of de-activating and re-activating a license.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.537

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 2-1990, f. & cert. ef. 7-13-90;

BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW

1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0008

Licensing Requirements

To be eligible for an initial license, except when the provisions of OAR 877-020-0016 apply, a person must meet the requirements in sections (1) through (5) of this rule:

(1) The person must complete the requirements in OAR 877-020-0009 to receive a certificate of social work associate and must hold a current certificate in good standing.

(2) The person must be fit to practice social work in Oregon. The board uses the following standard and procedure to make a fitness determination:

(a) To be fit to practice social work in Oregon, the person must have demonstrated and must currently have:

(A) Good moral character. For purposes of this rule, lack of "good moral character" may be established by reference to acts or conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question should be rationally connected to the applicant's fitness to practice clinical social work; and

(B) A personal history of conduct that is consistent with the standards contained in division 30 of this chapter of rules.

(b) In the event the person's history includes conduct that may call into question the person's fitness, the board will consider, if made available by the person, the amount of time elapsed since the conduct and the person's relevant conduct since the questioned conduct, including remedial or compensatory actions taken by the person, if appropriate.

(3) The person must not be the subject of a pending investigation or disciplinary action by a regulatory board.

(4) The person must complete the requirements of an approved plan of practice and supervision in accordance with the rules in this division of rules.

(5) The person must meet the following requirements for taking and passing written examinations:

(a) Within two years following the board's authorization to take the exams, the person must pass both the examination administered by the board on the subjects listed in section (6)(a) of this rule and a national examination for clinical social workers administered by an organization approved by the board on the subjects listed in section (6)(b) of this rule.

(b) An applicant who fails either portion of the examination a second time must obtain special permission from the board to take any subsequent examination. The board may approve the request if the last report required by OAR 877-020-0012(2)(e)(A) has been received by the board and shows the associate is meeting the requirements of the plan and that the associate otherwise meets the requirements for licensure.

(c) To pass the two required examinations, the candidate must score not less than the following:

(A) For the examination on the Oregon statutes and rules - a score of 90 percent.

(B) For the national examination - a score of 70.

(6) The subjects tested on the exam are:

(a) For the portion of the examination on the Oregon statutes and rules:

(A) The contents of ORS 675.510 to 675.600 and OAR chapter 877, which are the Oregon statutes and administrative rules governing the practice standards and responsibilities of a licensed clinical social worker.

(B) Oregon Revised Statutes relating to mental health practice that may be relevant to clinical social work practice.

- (b) For the national portion of the examination:
 - (A) Human Development and Behavior.
 - (B) Issues of Diversity.
 - (C) Diagnosis and Assessment.
 - (D) Psychotherapy and Clinical Practice.
 - (E) Communication.
 - (F) The Therapeutic Relationship.
 - (G) Professional Values and Ethics.
 - (H) Clinical Supervision, Consultation, and Staff Development.
 - (I) Practice Evaluation and the Utilization of Research.
 - (J) Service Delivery.
 - (K) Clinical Practice and management in the Organizational

Setting.

Stat. Auth.: ORS 675.510 – 675.600 & 675.990

Stats. Implemented: ORS 675.535

Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 3-1990(Temp), f. & cert. ef. 10-15-90; BCSW 1-1991, f. & cert. ef. 3-15-91; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0009

Requirements for Certificate of Clinical Social Work Associate

To be eligible for an initial certificate of social work associate, a person must:

- (1) Submit a complete and accurate application on a form provided by the board.
- (2) Hold a master's degree in social work from a college or university accredited by a credentialing body approved by the board.
- (3) Submit to the board for approval and, following approval, satisfactorily work toward completing an approved plan of practice and supervision that:
 - (a) Shows that the person will meet the requirements in OAR 877-020-0010(3) while working in an agency that:
 - (A) Provides the associate with sufficient support to progress toward licensure;
 - (B) Screens patients who are served by the agency and by the associate; and
 - (C) Either:
 - (i) Is licensed by the Oregon Department of Human Services; or
 - (ii) If not required to be licensed by the Oregon Department of Human Services, is in compliance with the requirements to conduct business in Oregon.
 - (b) Requires a minimum of 3,500 practice hours of which at least 2,000 hours must involve direct contact with a client of the agency.
 - (c) Provides for supervision of the associate that meets the requirements of OAR 877-020-0012.
 - (d) Provides that the associate meet with the plan supervisor for a minimum of one hour not fewer than two times a month. This requirement of the supervision is not met through a training or administrative activity. The associate may meet alone with the supervisor (individual supervision) or may meet with the supervisor and as many as four other mental health professionals (group supervision).

Stat. Auth.: ORS 675.510 – 675.600 & 675.990

Stats. Implemented: ORS 675.537

Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0010

Plan of Practice and Supervision

- (1) After a person submits an application described in OAR 877-020-0009, the board will inform the person whether the application, including the plan of practice and supervision, is approved.
- (2) After an application has been approved, an associate may request a change to a plan of practice and supervision by submitting a request to the board that provides a justification for the change and ensures that the plan, as modified, will meet the requirements of this division of rules.

(3) For the associate to satisfactorily complete a plan of practice and supervision, the following requirements must be met while the associate is working under an approved plan of practice and supervision:

(a) The contact with clients described in OAR 877-020-0009(3)(b) must be direct contact during which the associate practices social work, which is defined in ORS 675.510(2).

(b) The associate must meet with a supervisor identified in the plan, as required in OAR 877-020-0009(3)(d):

(A) For a total of 100 hours over a period of not less than 24 consecutive months nor more than 60 consecutive months, of which a minimum of 50 hours must be individual supervision. The associate must meet at least twice each month with a plan supervisor for a minimum of one hour. If there is a second supervisor for group supervision, the requirement in this paragraph is met by a single one-hour meeting with each supervisor.

(B) At least once each month with a plan supervisor for a minimum of one hour after the associate is authorized to take the examination identified in OAR 877-020-0008(5)(b).

(c) All supervision must be accomplished directly, in a professional setting.

(d) The associate must submit to the board, on a form provided by the board, each evaluation by the supervisor (or supervisors in the event two are authorized) required by OAR 877-020-0012(2)(e)(A) of the progress by the associate toward completion of the plan.

(e) After April 1, 2009, the associate must pass the national examination required by OAR 877-020-0008(4) by achieving a score of not less than 70.

(f) The associate must work with each supervisor identified in an approved plan for not less than six months unless a change in supervision is required by the agency in which the associate is working and the board approves the change.

Stat. Auth.: ORS 675.510 - 675.600, 675.990

Stats. Implemented: ORS 675.537

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0012

Requirements of Supervision

(1) Qualifications of supervisor.

(a) The supervisor of the associate must be a licensed clinical social worker, approved by the board at the time the applicant submits the plan of practice and supervision for approval, unless the associate works more than 50 miles from the nearest licensed clinical social worker able to serve as supervisor of the associate. In this event, upon request of the associate, the board may authorize a supervisor who is one of the following:

(A) A clinical psychologist licensed in Oregon, a psychiatrist licensed in Oregon, or a person similarly qualified.

(B) A person who meets the following requirements for licensure but has not been licensed by the board:

- (i) The educational requirement in OAR 877-020-0009(2).
- (ii) Field experience requirement described in OAR 877-020-0009(3).

(b) The supervisor of the associate:

(A) Must have completed two years of licensed practice.

(B) Must have completed and reported to the board at least six hours of continuing education hours described in OAR 877-025-0006(1) or (2) in techniques of supervision within five years prior to commencing the supervision of an associate.

(2) Requirements of the supervision.

(a) The associate may have one supervisor for individual supervision and a different supervisor for group supervision.

(b) The relationship between the supervisor and the associate must be of a professional nature, and the ethical standards for social workers, including standards contained in this division of rules, are applicable to each of them.

(c) The supervisor must have the authority to direct the caseload and treatment plans of the associate.

(d) In order that the goals of the supervision are reached:

(A) The supervisor and associate are expected to discuss cases with each other based on case notes, charts, records, and audio or visual tapes of clients, if available.

(B) The associate must present to the supervisor assessments, diagnoses, and treatment plans of clients seen by the associate.

(C) The treatment plans presented by the associate must be appropriate, and the supervisor must focus on the therapeutic skill of the associate in promoting change in the client.

(D) The supervisor must have the authority to determine the appropriateness of the associate's client population to the associate's level of expertise.

(e) A licensed clinical social worker or other person authorized by the board who agrees to supervise an associate must:

(A) Submit to the board at intervals not to exceed six months an evaluation of the associate's progress toward completion of the plan, on a form provided by the board.

(B) Report to the board in writing immediately in the event the associate is not complying with the plan of practice and supervision.

(C) Report to the board in writing immediately in the event the relationship between the supervisor and the associate ends earlier than the date provided for in the Plan.

(D) Make other reports as required by the board.

Stat. Auth.: ORS 675.510 - 675.600, 675.990

Stats. Implemented: ORS 675.537

Hist.: BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0015

Required Documentation

The board will accept as evidence that an applicant meets the degree requirement in OAR 877-020-0009(2) only:

(1) A certified transcript from the institution awarding the degree; or

(2) A copy of a transcript from the awarding institution or other written verification provided by the social work registry maintained by the Association of Social Work Boards.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.535

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1992, f. & cert. ef. 6-30-92; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0016

Licensing of People Qualified in Another Jurisdiction

A person licensed, certified, or registered as a clinical social worker in another jurisdiction is eligible to be licensed in Oregon if:

(1) The person meets the education requirement in OAR 877-020-0009(2);

(2) The person is fit to practice social work in Oregon and is not subject of an investigation or disciplinary action by a licensing board;

(3) As a condition of licensure, certification, or registration in the other jurisdiction, the person was required to meet requirements for supervised practice substantially equivalent to those set out in this division of rules; and

(4) The person successfully completes the exam on Oregon law and the national exam for clinical social worker described in and subject to the limitation in OAR 877-020-0008(4).

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.535(4)

Hist.: BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1998, f. & cert. ef. 9-14-98; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0020

Fees for Certification and Licensing

Following are the fees due, without pro ration, in connection with obtaining and retaining a certificate or license under this division of rules:

(1) With an application for a certificate — \$150

(2) With an application for a license — \$150

(3) For the initial certificate — \$60

(4) For the renewal of a certificate — \$60

(5) For the initial license — \$130

(6) For the renewal of a license — \$130

(7) For a renewal of an inactive license — \$48

(8) For a request for renewal of a certificate or license received by the board after the certificate or license has expired — \$50 in addition to the fee required by this rule for renewal.

Stat. Auth.: ORS 675.510 - 675.600 & 675.990

Stats. Implemented: ORS 675.571

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1988, f. & cert. ef. 11-15-88; BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 2-1999(Temp), f. & cert. ef. 7-1-99 thru 11-1-99; BCSW 3-1999, f. & cert. ef. 10-13-99; BCSW 1-2003(Temp), f. 5-15-03, cert. ef. 7-1-03 thru 12-28-03; BCSW 2-2003, f. 11-21-03, cert. ef. 12-1-03; BCSW 1-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-30-06; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0030

Renewals of Certificates and Licenses

(1) The holder of a certificate or license may renew it by timely submitting the following to the board:

(a) A completed application for renewal.

(b) The fee required by OAR 877-020-0020.

(2) The board will act on an application only if, not later than 30 days after the person's birth month, the complete application and required fee are received by the board.

(3) The board will issue a certificate upon renewal only if the last report required by OAR 877-020-0012(2)(e)(A) has been received by the board and demonstrates that satisfactory progress is being made toward completion of the associate's current board-approved plan of practice and supervision.

(4) The application for renewal of a license must show that the licensee:

(a) Has been actively engaged in clinical social work during the effective period of the current license; and

(b) Has met the requirement for continuing education in division 25 of this chapter of rules.

(5) If the application for renewal of a certificate or license fails to meet the requirements of this rule, the application is incomplete and will not be acted upon by the board.

Stat. Auth.: ORS 675.510 - 675.600, 675.990

Stats. Implemented: ORS 675.560

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1987, f. & ef. 12-29-87; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 1-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-30-06; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0031

Surrender of License or Certificate

(1) A licensed clinical social worker or clinical social work associate may offer to surrender his or her license or certificate at any time.

(2) No complaint pending. If no complaint is pending at the time an offer to surrender is received, the board may accept the surrender and void the license or certificate.

(3) Complaint pending:

(a) A licensed clinical social worker or clinical social work associate may offer to surrender his or her license or certificate after a complaint has been filed with the board or after the board has initiated disciplinary action. Such an offer to surrender may be accepted by the board, and the board may make acceptance contingent upon terms of a final order in a contested case.

(b) If the surrender of a license or certificate is required by a final order in a contested case, the final order may specify whether and under what conditions the holder of the license or certificate may apply for a new license or certificate and may attach conditions that restrict the use of the license or certificate.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0036

Reissuance of Certificate or License

(1) Following the voluntary surrender of a certificate or license under OAR 877-020-0031(2), the board may reissue it if:

(a) The applicant submits a letter to the board explaining the reasons for returning to practice;

(b) The board approves the applicant's proposal to demonstrate competence to hold the certificate or license. The plan may involve participation in continuing education programs or clinical supervision; and

(c) The applicant takes and passes the examinations described in OAR 877-020-0008.

(2) If the board accepts a voluntary surrender of a certificate or license after a complaint was filed with the board against the holder while the complaint is pending, the board may reissue the certificate or license under conditions that take into account the circumstances of the surrender and may attach conditions to the certificate or license, including conditions contained in a final order if one was served in connection with the surrender. The board will not reinstate a license or certificate that has been surrendered. A person who surrenders a certificate or license may apply for a new license three years after the date the surrender was accepted by the board.

(3) If the board revokes or refuses to renew a certificate or license, other than for the holder's failure to timely apply for renewal, the former holder may request reissuance at the expiration of three years from the time it was revoked. The board may reissue the license upon finding the applicant is fit to practice social work and otherwise meets the requirements for licensure and may attach conditions to the certificate or license, including conditions contained in a final order if one was served in connection with the revocation.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-1990, f. & cert. ef. 7-13-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0046

Inactive Status for Licensees

(1) Upon written request and certification by a licensed clinical social worker who plans not to practice clinical social work in Oregon for an extended period of time, the board may place a license in inactive status.

(2) A licensed clinical social worker whose license is in inactive status is subject to the requirements imposed on licensed clinical social workers except for the requirement to submit annual reports of continuing education.

(3) At the time a request to be placed on inactive status is submitted, a licensed clinical social worker must be current on the fees required by OAR 877-020-0020. At the time of the request, and at the time of each renewal of the license while it is inactive, the licensee must certify on a form provided by the board that the licensee will not use the title of licensed clinical social worker while the license is inactive.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.560

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-30-06; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-020-0055

Return to Active Status for Licensees

(1) The holder of an inactive license may submit a written request to the board to return to active status.

(2) As a condition of approving the request, the board may require the applicant to complete continuing education in specified topics. Normally, the board will not impose a requirement to complete continuing education if the period of inactive status is less than two years.

(3) As a condition of approving the request, the board may require the applicant to work under a plan of practice and supervi-

sion, or to meet other requirements that demonstrate the candidate's fitness before re-activating the license. The requirement to work under a plan of practice and supervision is based on the candidate's circumstances, including the candidate's practice experience and the duration of the inactive period. Normally, the board will not impose a requirement to work under a plan of practice and supervision if the period of inactive status is less than five years.

(4) The holder of an inactive license must pass the examination on Oregon statutes and rules described in OAR 877-020-0008(6) if the request to return to active status is received by the board more than 36 months after the board notified the licensee that the license was inactive.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

DIVISION 22

CRIMINAL RECORDS CHECK

877-022-0005

Requirements Pertaining to Criminal Records Check

(1) A person who wishes to be certified or licensed under this chapter must be fit to practice clinical social work as defined in OAR 877-020-0008. As part of a fitness determination, the board considers past conduct, including conduct that resulted in a criminal conviction, that is related to a person's honesty, or is related to the practice of social work. The purpose of this rule is to implement ORS 181.534(9) and provide for criminal records checks by the board. The results of criminal records checks are used by the board to determine fitness to practice clinical social work.

(2) The following persons must, upon request of the board, take the steps necessary to complete a request for a state or nationwide criminal records check under ORS 181.534:

(a) A person whose application form and fees for a certificate of clinical social work associate is received by the board on or after July 1, 2008.

(b) A person whose application form and fees for a license as a licensed clinical social worker is received by the board on or after July 1, 2008.

(c) The holder of a certificate of clinical social work associate or a license as a licensed clinical social worker who is the subject of inquiry by the board.

(3) To complete the request for criminal records, the board may require the person to:

(a) Provide information necessary to obtain the criminal records check.

(b) Provide fingerprints on forms made available by the board.

(c) Pay the actual cost to the board of conducting the criminal records check.

(4) In reviewing the information obtained from a criminal records check, the board may consider:

(a) Any criminal conviction and related information a court could consider in imposing a punishment, in compliance with ORS 670.280

(b) Any arrests and records related to any crime that may be indicative of a person's inability to perform as a licensee or certificate holder with care and safety to the public.

(5) Fitness determination. In deciding whether an individual is fit to hold a license or certificate, the board may consider:

(a) A criminal records background check.

(b) F statements made by the individual regarding criminal history of the individual.

(c) A refusal to submit or consent to a criminal records check including fingerprint identification.

(d) Other pertinent information obtained as part of an investigation.

(6) The board may make a fitness determination conditional upon the individual's acceptance of probation, conditions, limita-

tions, or other restrictions upon licensure or certification. In the process followed by the board for making a fitness determination, the following apply:

(a) A person identified in section (2) of this rule who makes a false statement regarding the person's criminal history is unfit and subject to denial of an application for license or certificate or to disciplinary action authorized in ORS 675.510 to 675.990, including denial of an application for licensure or certification.

(b) If a person identified in section (2) of this rule refuses to consent to a criminal records check or refuses to be fingerprinted, the board will revoke the person's license or certificate or, in the case of an applicant for a certificate or license, will consider the application incomplete.

(c) For all fitness determinations not covered by subsection (a) or (b) of this section, the board will consider, at a minimum, the following:

(A) The nature of the crime of which the person has been convicted or indicted;

(B) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the person's present or proposed position as a holder of a certificate or license; and

(D) Intervening circumstances relevant to the responsibilities and circumstances of the position as a holder of a certificate or license. Intervening circumstances include but are not limited to the following factors with respect to a crime of which the person has been convicted:

(i) The passage of time since the commission of the crime;

(ii) The age of the subject individual at the time of the crime;

(iii) The likelihood of a repetition of an offense or of the commission of another crime;

(iv) The subsequent commission of another relevant crime;

(v) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(vi) A recommendation of an employer who employed the person after the conviction.

(E) Other relevant information.

(7) Protection of information:

(a) Information obtained by the board in carrying out its responsibilities under this rule is considered part of the investigation of an applicant or licensee and is confidential under ORS 676.175.

(b) Criminal offender information obtained from the Law Enforcement Data System must be handled in accordance with the applicable requirements in ORS chapter 181 and OAR chapter 257, division 15.

(8) The board will permit the person for whom a fingerprint-based criminal records check is conducted to inspect the individual's own state and national criminal offender records in the possession of the board and, if requested by the applicant, provide the individual with a copy of those records.

(9) Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or Federal Bureau of Investigation must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or the reporting agency and not to the board.

(10) A person against whom disciplinary action is taken by the board on the basis of information obtained as the result of a criminal records check conducted pursuant to this rule is entitled to notice and hearing in accordance with the provisions for contested cases in ORS chapter 183.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

DIVISION 25

CONTINUING EDUCATION REPORTING REQUIREMENTS

877-025-0001

General

A licensed clinical social worker must complete and report continuing education according to the requirements in this division of rules.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-025-0006

Types of Continuing Education

To meet the requirements of this division of rules, continuing education must be one of the following:

(1) A conference, seminar, or workshop that:

(a) Addresses subjects related to the licensee's work practice;

(b) Is attended by the licensee in person, on-line or through a web cast; and

(c) Is provided or approved by a credentialing body recognized and approved by the board. The board recognizes and approves a credentialing body based on the following practices of the body:

(A) The body uses an established process for determining which training to provide or approve.

(B) The body uses an established process for determining who will present the training.

(C) The body provides, with respect to the training, written materials that demonstrate the relevance of the training to the field of clinical social work.

(D) The body establishes an appropriate number of continuing education credits for the training.

(E) The body verifies the credentials of the presenters of the training.

(F) The body uses an established system for the evaluation of presenters.

(G) The body provides a certificate of completion to those who attend, based on actual attendance.

(2) A conference, seminar, or workshop that:

(a) Meets the following requirements:

(A) Is related to the field of clinical social work;

(B) Addresses subjects related to the licensee's work practice;

(C) Is not provided or approved by a credentialing body recognized and approved by the board; and

(D) Is attended by the licensee in person, on-line, or through a web cast.

(b) Is approved by the board based on the licensee's written application that:

(A) Contains the following information:

(i) Name or description of the event

(ii) Date of the event

(iii) Brief description of the training sufficient to show that the training meets the requirements of section (2)(a) of this rule.

(iv) Name and credentials of each presenter

(v) Number of continuing education units requested

(vi) Copy of the certificate of completion

(B) Is received by the board not later than the time of the submission of the report required by OAR 877-025-0021 and not later than 45 days prior to the last day of the birth month of the licensee.

(3) A course related to social work at an accredited college or university.

(4) A training video or audio recording approved by a credentialing body recognized and approved by the board. Successful completion is demonstrated by award to the licensee by the credentialing body.

(5) Participation in a study group, subject to the following limitations:

(a) The group must contain a minimum of five and a maximum of 10 licensed mental health professionals who meet for a minimum

of an hour on a scheduled basis to discuss topics directly related to the field of clinical social work.

(b) The focus of the group's meeting must be a presentation or discussion of a book or article published by a professional body.

(c) The topics of the group's discussion must be directly related to established mental health care and relevant to good practice.

(d) A maximum of two hours may be credited for a group meeting.

(e) Credit for participation in a study group must be approved in advance by the board. To apply for approval, a licensee must submit the names of the group members and discussion topics to the board.

(6) Development and presentation of a conference, workshop, or seminar that would be countable for credit under section (1) or (2) of this rule.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-025-0011

Required Hours of Continued Education

(1) Generally.

(a) A licensee is required to report continuing education for all periods during which the licensee's license is active except for the period covered by the initial license, unless a waiver is granted under section (2) of this rule. An initial license is the first license issued by the board to the licensee.

(b) Following the first renewal of a license, except when the licensee is on inactive status, the licensee must complete continuing education in each reporting period at the times described in OAR 877-025-0021. The holder of an inactive license is not required to submit the biennial report.

(c) A report covering a two-year period must contain a minimum of 40 hours of creditable continuing education. A report that covers shorter period, as may happen in the case of the first report by a new licensee or following the reactivation of a license, must contain a minimum of 20 hours of creditable continuing education for each year covered by the report.

(2) Waiver of requirement.

(a) Upon timely written request of a licensee, made as soon as the licensee is aware of the possible need for a waiver, the board may reduce the number of hours required in the event the licensee is unable, due to circumstances beyond the reasonable control of the licensee, to complete the number of hours of continued education required by this division of rules.

(b) A reduction authorized by the board would normally reflect the licensee's ability to attend training during the time not affected by the adverse circumstances leading to the request. For instance, a licensee unaffected by the adverse circumstance during the first year of a two-year reporting period would be expected to obtain 20 hours of credit.

(c) Examples of circumstances that may justify a waiver are:

(A) A circumstance beyond the reasonable control of the licensee makes it impracticable for the licensee to attend training for an extended time.

(B) The health of the licensee or of another person makes it impracticable for the licensee to attend training for an extended time.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-025-0016

Limitations on Types of Continuing Education

The number of hours creditable in a two-year reporting period is subject to the following provisions:

(1) A licensee must report a total of six or more hours of continuing education in ethics:

(a) In the first biennial report required by OAR 877-025-0021 for a two-year period that ends after January 1, 2009; and

(b) In each alternate biennial report due thereafter.

(2) No more than 10 hours of continuing education described in OAR 877-025-0006(2)(b) may be credited in a report.

(3) No more than 20 hours of continuing education described in OAR 877-025-0006(5) may be credited in a report.

(4) A licensee who reports more than 40 hours for a two-year reporting period or 20 for a one-year reporting period may carry over and report the excess hours again in the next required report. No more than 10 hours may be carried over to the next reporting period. Only hours described in OAR 877-025-0006(1), (2), or (3) may be carried over.

(5) If the first reporting period is one year rather than two, the limits in sections (2) and (3) of this rule are pro-rated.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-025-0021

Reporting Requirements

(1) Licensees must report the completion of continuing education every two years on forms prescribed by the board. The report must be made at the time the licensee submits an application to renew the license as follows:

(a) A licensee whose license number ends with an odd number must submit the report of continuing education in odd-numbered years.

(b) A licensee whose license number ends with an even number must submit the report of continuing education in even-numbered years.

(2) The report of continuing education is part of the renewal application and must contain information sufficient to demonstrate that the licensee has met the requirements in this division of rules. A licensee who fails to meet the requirements is subject to a denial of the application for renewal unless the failure was due to circumstances beyond the reasonable control of the licensee and the licensee agrees to a plan to compensate for the deficiency.

(3) The Board conducts routine, random audits of reports of continuing education at the time of the biennial report. Because a licensee is informed of an audit at the end of the reporting period, licensees must retain certificates, program information, and other documents needed to demonstrate that the licensee met the requirements of this division of rules and must provide them to the Board upon request.

Stat. Auth.: ORS 675.510(3), 675.530(1)(3), 675.535(1), 675.537(1)(3), 675.560(2), 675.571(4), 675.595(3), 675.600(1)(a)

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

DIVISION 30

CODE OF ETHICS FOR CLINICAL SOCIAL WORK ASSOCIATES AND LICENSED CLINICAL SOCIAL WORKERS

877-030-0025

Applicability

The provisions of OAR chapter 877 division 30 apply to applicants for Certificate of Clinical Social Work Associate, applicants for licensure, Clinical Social Work Associates, and Licensed Clinical Social Workers.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-2001, f. & cert. ef. 5-4-01

877-030-0030

Ethical Responsibility

Clinical Social Workers' ethical responsibilities to their clients begin when the client-provider contract is entered into by the Clinical Social Worker and the client and remain in effect until the contract is terminated by either party, except as provided in OAR 877-030-0070.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-2001, f. & cert. ef. 5-4-01

877-030-0040

Conduct and Reporting Requirements of Clinical Social Workers and Clinical Social Work Associates

(1) Conduct: The following minimum standards of professional conduct apply to clinical social workers:

(a) Private conduct of Clinical Social Workers is a personal matter to the same extent as with any other person, except when that conduct compromises the fulfillment of professional responsibilities.

(b) Clinical Social Workers may not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation.

(c) Clinical Social Workers may not misrepresent their professional qualifications, education, experience, or affiliations.

(2) Reporting Requirements:

(a) Licensed Clinical Social Workers and Clinical Social Work Associates must report to the Board as soon as possible, but not later than 30 days after:

(A) Receiving notice of any civil lawsuit, criminal indictment, or court-ordered diversion;

(B) Arrest or conviction for driving under the influence of intoxicants;

(C) In-patient psychiatric hospitalization or psychiatric day treatment; or

(D) The initiation of a regulatory action related to the Licensed Clinical Social Worker's or Clinical Social Work Associate's professional conduct.

(b) Clinical Social Workers must report child and elderly abuse as required by ORS 419B.005 to 419B.050 and 124.050 to 124.095.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05; BCSW 1-2008, f. 6-27-08, cert. ef. 7-1-08

877-030-0050

Professional Education

Licensed Clinical Social Workers must maintain their professional competency by meeting the continuing education requirements set out in OAR 877-025-0000.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05

877-030-0070

Ethical Responsibility to Clients

The Clinical Social Worker's primary responsibility is to clients. Clinical Social Workers must serve clients with professional skill and competence including but not limited to the following:

(1) Dual Relationship:

(a) Clinical Social Workers must not violate their position of power, trust, and dependence;

(b) Clinical Social Workers may not enter into a relationship with a client that conflicts with the ability of the client to benefit from social work practice;

(c) Clinical Social Workers may not enter into a relationship with a client that may impair the Clinical Social Worker's professional judgment or increase the risk of exploitation of the client;

(d) Clinical Social Workers may not enter into a relationship with a client that increases the risk of exploitation for the client for the Clinical Social Worker's advantage;

(e) Clinical Social Workers may not enter into therapeutic relationships with any employee, supervisee, close colleague, or relative, or with any other person where there is a risk that the relationship would impair the Clinical Social Worker's judgment and increase risk of client exploitation.

(f) Clinical Social Workers may not enter into an employer, supervisor, or any other relationship where there is a potential for exercising undue influence on a client. This includes the sale of services or goods in a manner that might exploit a client for the financial gain or personal gratification of the Clinical Social Worker or a third party, or if there is a risk that such a relationship would be like-

ly to impair the Clinical Social Worker's judgment and increase the risk of client exploitation. This applies both to current clients and to those to whom the Clinical Social Worker, has at anytime in the previous year, rendered services as a Clinical Social Worker.

(g) Clinical Social Workers may not, under any circumstances, engage in or solicit sexual acts or engage in any conduct, verbal behavior or other communication with or towards a client that may reasonably be interpreted as sexual, seductive or sexually demeaning. This prohibition applies to current clients and to clients to whom the Clinical Social Worker has at anytime within the previous three years provided clinical social work services. The client's consent to, initiation of, or participation in, sexual behavior with the Clinical Social

Worker does not change the prohibited nature of the conduct.

(2) Clinical Social Workers must provide services with professional skill, cultural awareness, and language competency with respect to each client's needs.

(3) Clinical Social Workers may not provide inappropriate or unnecessary treatment of therapy to clients.

(4) Clinical Social Workers must provide clients with accurate and complete information regarding the extent and nature of services available. This includes the risks, rights, opportunities, and obligations associated with the provision of professional services to the client.

(5) Clinical Social Workers must seek consultation or make referrals whenever it may improve the provision of professional service and is in the best interest of the client.

(6) Clinical Social Workers may not attempt to provide services to clients outside their area of competence, training, and qualifications established in their practice and continuing education.

(7) Clinical Social Workers must terminate services to clients when their services are no longer required or no longer serve the client's needs or interests.

(8) Clinical Social Workers may withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effect. Clinical Social Workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the client does not pose an imminent danger to self or others; if the financial arrangements have been made clear to the client; and if the clinical and other consequences of nonpayment have been addressed and discussed with the client.

(9) Clinical Social Workers who anticipate the termination or interruption of service to clients must notify those clients promptly and provide for transfer, referral, or continuation of service in relation to the client's needs and preferences.

(10) Clinical Social Workers may not violate the legal rights of their clients:

(a) When a Clinical Social Worker must act on behalf of a client who has been adjudged legally incompetent, the Clinical Social Worker must safeguard the interests and rights of that client.

(b) When another individual is legally authorized to act on behalf of a client, Clinical Social Workers may conduct business with that person, always keeping the client's best interests in mind.

(11) Except as permitted in ORS 675.580 and 40.250, Clinical Social Workers must respect the privacy of clients and hold in confidence information obtained in the course of professional contact between client and the Clinical Social Worker.

(a) Information received from a potential client at the point of initial contact must be treated with the same respect for privacy as that of information received from a client.

(b) Clinical Social Workers must inform clients fully about the limits of client-therapist confidentiality.

(c) Clinical Social Workers must provide clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records. Client access to their own records should be restricted only in exceptional circumstances when there is compelling evidence that access would cause harm to the client. Clinical Social Workers who are concerned that client access to their own records could cause serious misunderstanding or harm to the client should assist the client in interpreting

the records. Both the client's request and the rationale for withholding some or all of the record should be documented in the case file.

(d) Clinical Social Workers must obtain informed consent from clients before taping, recording, or permitting third party observation of their activities.

(e) Clinical Social Workers, when making reports, must obtain a release of confidentiality and shall avoid undue invasion of privacy by only presenting patient data pertinent to the purpose of the report.

(12) Fees. Clinical Social Workers in fee-for-service settings may charge reasonable fees and must inform clients of the fee arrangement before providing services.

(13) Clinical Social Workers may not solicit the clients of colleagues.

(14) Clinical Social Workers may not solicit clients from their employer for private practice.

(15) Clinical Social Workers may not assume professional responsibility for the clients of another agency or colleague without appropriate communication with that agency or colleague.

(16) Clinical Social Workers must relate to the clients of colleagues with full professional consideration.

(17) A Clinical Social Worker who serves the clients of colleagues, during a temporary absence or emergency, must serve those clients with the same professional competence as to his or her own.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05

877-030-0080

Administrators, Supervisors, and Teachers of Clinical Practice

Administrators, supervisors, and teachers must promote conditions that foster and support ethical and competent professional performance:

(1) The same ethical considerations exist between supervisor and supervisee as exists between Clinical Social Workers and clients.

(2) Clinical Social Workers in the role of administrator, supervisor, or teacher may not, under any circumstances, engage in a sexual relationship with a supervisee or student.

(3) Clinical Social Workers in the role of administrator, supervisor, or teacher may not enter into a therapeutic relationship with any employee, supervisee, or student.

(4) Clinical Social Workers in the role of administrator, supervisor, or teacher must explicitly define the conditions of their professional relationship to their supervisees or students.

(5) Clinical Social Workers as an employer, or in the role of administrator, supervisor, or teacher, must support and emphasize the need for formulation, development, enactment, and implementation of policies and agency rules which provide for safeguarding the rights of clients.

(6) Clinical Social Workers as employer, or in the role of administrator, supervisor, or teacher, bear the ethical responsibility for persons practicing under their direct supervision who are not regulated by professional registration, certification, or license.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; Renumbered from 877-030-0015; BCSW 1-1994, f. & cert. ef. 2-17-94; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-030-0090

General Provisions Governing Conduct

(1) Unprofessional conduct is defined by, but not restricted to the items set out in Division 30 of this Chapter. Violation of the Code of Ethics may result in disciplinary proceedings under ORS 675.540.

(2) Clinical Social Workers must cooperate with the Board, its investigators, or any of its committees in any investigation it may make under OAR Chapter 877.

(3) Clinical Social Workers must fully comply with all Final Orders issued by the Board.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05

877-030-0100

Disposition of Client Records in Case of Death or Incapacity of Licensee

Licensed Clinical Social Workers in private practice shall make necessary arrangements for maintenance of and access to client records to ensure confidentiality in the event of the death or incapacity of the licensee. The licensee shall name a qualified person to intercede for client welfare and to make necessary referrals, when appropriate, and shall keep the Board notified of the name of the qualified person. The Board shall not release the name of the qualified person except in the case of the death or incapacity of the licensee, or if the licensee is Inactive and a former client is unable to locate the licensee. A qualified person under this Rule shall be defined as a Clinical Social Worker or other Licensed mental health professional.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.595

Hist.: BCSW 2-2005, f. & cert. ef. 12-22-05

DIVISION 35

IMPAIRED PROFESSIONAL PROGRAM

877-035-0000

Definitions

"Impaired Clinical Social Worker" shall mean a Licensed Clinical Social Worker or a Clinical Social Work Associate who is unable to engage in the practice of social work with the skill and competency necessary for the protection of the public health because of substance abuse, mental illness, or incapacity including, but not limited to:

(1) One who uses any controlled substance or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of clinical social work.

(2) One with a physical or mental condition that makes the licensee unable to conduct safely the practice of clinical social work.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 1-1990, f. & cert. ef. 4-20-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97

877-035-0005

Findings and Declarations

The Board pursuant to ORS 675.540(1)(c) finds that because of the growing problem of chemical dependence and other infirmities which affect the ability of social workers to engage in the practice of social work, it is necessary in the interests of the protection of the public health to identify the impaired social worker and to provide rehabilitation opportunities for such impaired individuals on a voluntary or involuntary basis.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.583

Hist.: BCSW 1-1990, f. & cert. ef. 4-20-90; BCSW 1-2001, f. & cert. ef. 5-4-01

877-035-0010

Identification and Rehabilitation

Mandatory reporting defined:

(1) It is not the intent of the Board of Clinical Social Workers that each and every clinical social work error be reported.

(2) It is not the intent of the Board of Clinical Social Workers that mandatory reporting take away the disciplinary ability and responsibility from the employer of a Licensed Clinical Social Worker or Clinical Social Work Associate.

(3) Any Licensed Clinical Social Worker or Clinical Social Work Associate knowing of a Licensed Clinical Social Worker or a Clinical Social Work Associate whose behavior or practice fails to meet professional standards for the level at which the social worker is certified or licensed, shall report the social worker to the person in the work setting who has authority to institute corrective action. In the event that the Licensed Clinical Social Worker has no

direct supervisor, this report shall be made to the Board of Clinical Social Workers.

(4) Any Licensed Clinical Social Worker or Clinical Social Work Associate who has knowledge or concern that the Licensed Clinical Social Worker or Clinical Social Work Associate's behavior or practice presents potential for or actual danger to the public health, safety, and welfare, shall report or cause a report to be made to the Board of Clinical Social Workers. Failure of any Licensed Clinical Social Worker or Clinical Social Work Associate to comply with this reporting requirement may in itself constitute a violation of clinical social work standards.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.583

Hist.: BCSW 1-1990, f. & cert. ef. 4-20-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-035-0012

Confidentiality of Information Supplied to the Board

(1) The records and proceedings compiled in regard to an impaired social worker and his/her treatment shall be confidential and shall not be considered as public records; provided, however, all such information may be disclosed:

(a) In a disciplinary hearing before the State Board of Clinical Social Workers or in a subsequent trial or appeal of a Board action or order.

(b) To Boards of other licensing agencies of other jurisdictions.

(c) Pursuant to an order of court of competent jurisdiction.

(d) To the current employer of the licensee.

(2) The name of any social worker who voluntarily agrees to enter a rehabilitation program and continues in such program including the required aftercare shall not be published.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 1-1990, f. & cert. ef. 4-20-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 2-2005, f. & cert. ef. 12-22-05

877-035-0013

Criteria which Disqualify People from Program

Criteria which disqualify Licensed Clinical Social Workers or Clinical Social Work Associates from involvement in the Impaired Professional Program are:

(1) Criminal history involving injury/endangerment;

(2) Sale or manufacture of illegal substances;

(3) Sexual offenders;

(4) Three previous disciplines from the Board.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 2-2005, f. & cert. ef. 12-22-05

877-035-0015

Procedure for Evaluation of Competency

(1) On its own motion or upon complaint by any person the Board may require any person licensed under ORS 675.510 et seq. to undergo evaluation and/or rehabilitative therapy for impairment as defined above.

(2) The Board of Clinical Social Workers may impose one or more of the disciplinary penalties designated in ORS 675.540(2) against any social worker found to be an impaired social worker who:

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

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

(c) Fails to sign a release allowing the Board to fully communicate with the rehabilitation program regarding the clinical social worker's progress or lack thereof.

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

(e) Is found by the Board not to be capable of rehabilitation because of the severity of his or her impairment.

(3) The evaluation will be performed by a drug and evaluation center or professional of the Board's choosing. The evaluator shall have access to all material regarding the Clinical Social Work Associate or Licensed Clinical Social Worker in the Board's files and will have additional authority to contact all persons who have previously

communicated to the Board regarding the alleged impaired status of the Clinical Social Work Associate or Licensed Clinical Social Worker.

Stat. Auth.: ORS 675.510 - 675.600 & 675.900

Stats. Implemented: ORS 675.510 - 675.600 & 675.900

Hist.: BCSW 1-1990, f. & cert. ef. 4-20-90; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-30-06; BCSW 2-2005, f. & cert. ef. 12-22-05

DIVISION 40

PROCEDURES FOR HANDLING COMPLAINTS TO THE BOARD

877-040-0000

Management of Complaints

(1) The Board intends to provide fair, expeditious response to complaints.

(2) A Board member who is unable to render an impartial, objective decision regarding any complaint shall abstain from participating in the preparation, hearing, deliberation and disposition of such that complaint. An abstention shall be effective from the time a Board member announces his/her the decision not to participate.

(3) If a Board member is a complainant or respondent in a complaint, that Board member shall be disqualified from participating in the preparation, hearing, deliberation and disposition of such the complaint.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595(2)

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99

877-040-0003

Definitions

The following definitions shall apply to this division:

(1) "Complaint" — A mandatory report or specific charge filed on an approved form that a Clinical Social Worker who is a licensee or candidate for license has committed an act in violation of ORS 675.540 or the Code of Ethics, OAR 877-030-0030 to 877-030-0090. A "Complaint" shall specifically describe the act to the best of the ability of the complainant. A "Complaint" shall identify by name the complainant and respondent.

(2) "Consumer Protection Committee" — One or more Board members charged with the investigation and preparation of reports to the Board concerning complaints or alleged violations. The "Consumer Protection Committee" shall have the full power of the Board to conduct investigations, prepare reports, negotiate agreements, and perform such other duties as may be prescribed by the Board from time to time.

(3) "Complainant" — Any person or group of persons who files a complaint. The Board may, on its own action, initiate an investigation or file a complaint.

(4) "Contested Case" — A proceeding as defined in ORS 183.310(2).

(5) "Respondent" — A Clinical Social Worker who is a licensee or candidate for license against whom a complaint has been filed.

(6) "Stipulated Agreement" — A written agreement entered into at any time after a complaint has been filed which resolves such complaint. A "stipulated agreement" shall be signed by the respondent and the Chair or the Board's designee, and shall include at least the following statements:

(a) The agreement has been freely and voluntarily made by respondent;

(b) An explanation of the particular facts and violations stipulated to by the respondent and the Board; and

(c) Respondent's agreement to accept a designated form of discipline in exchange for the agreement.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-040-0010

Form of Complaints

(1) The Consumer Protection Committee shall investigate all complaints made to the Board.

(2) If the complainant is a client or former client of the respondent, the complainant must sign a waiver of confidentiality allowing the Board and its counsel access to records and other materials which are the ethical and legal responsibility of the respondent. Refusal by a complainant to comply with these requirements may result in dismissal of the complaint.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595(11)

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1999, f. & cert. ef. 4-9-99

877-040-0015

Notification to Respondent

(1) The Consumer Protection Committee may send a letter to the respondent stating the nature of the investigation. When appropriate, waivers of confidentiality shall be included with this letter. A written reply, accompanied by any documentation the respondent considers relevant, shall be requested within 30 days.

(2) If the respondent replies, the reply shall be reviewed by the Consumer Protection Committee. Additional or more specific information may be requested. Materials may be accepted from the respondent or counsel. Written statements from any other persons should be accompanied by an explanation of their relevance to the matter under consideration.

(3) If the respondent does not reply, the Consumer Protection Committee shall send a letter to the respondent noting the failure to reply and requiring a response within 15 days of the date of mailing. This letter shall inform the respondent that the Consumer Protection Committee may recommend a disposition to the Board at its next regularly scheduled Board meeting. If there is no response, the Board will proceed to review the complaint and determine what actions shall be taken. The Committee may recommend that a formal hearing be called even though there has been no response to the Board's request.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595(11)

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05

877-040-0020

Presentation to the Board

When all materials are assembled, the Consumer Protection Committee may review the file in consultation with the Board's counsel. A designated Committee member will make a report to the Board, following the procedures outlined in ORS 183.310 to 183.500, and shall clearly set forth the issues on which the Board should consider possible action.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-1982, f. & ef. 1-29-82; BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-040-0045

Stipulated Agreement

The Consumer Protection Committee shall submit any proposed stipulated agreement to the full Board for consideration. If the Board determines that approval is warranted, the Board may authorize the Chair or the Board's designee to sign the agreement on behalf of the Board. If the Board determines that approval is not warranted, the Board may direct the Consumer Protection Committee to renegotiate the agreement, or may institute disciplinary action by contested case notice pursuant to ORS 183.310 to 183.550.

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 1-1997, f. & cert. ef. 3-25-97; BCSW 1-2001, f. & cert. ef. 5-4-01

877-040-0050

Contested Case Hearing

(1) When the Board institutes disciplinary actions, notice of proposed actions, orders, or other official documents they must be served by certified mail, return receipt requested, on respondents and their attorneys. Notices must include:

(a) A short and plain statement of the matters charged.

(b) Reference to the particular sections of the Statutes and Rules involved.

(c) A statement that respondents have the right to request a Contested Case Hearing by filing a written request for hearing with the Board within the time specified in the Notice.

(d) A statement that failure to file a timely request for hearing shall be deemed a waiver of the right to a hearing under ORS Chapter 183, unless the failure to file a timely request for hearing was beyond the reasonable control of the respondent.

(e) A statement that the record of the complaint, including information in the Board's files related to the complaint, automatically becomes part of the contested case record upon default for the purpose of proving a prima facie case.

(2) If the Board disciplines a Licensed Clinical Social Worker or a Clinical Social Work Associate, notice of this action will be placed in the Directory of Clinical Social Work Associates and Licensed Clinical Social Workers. Notice shall be published in the official newspaper of the county where the Associate or licensee practices and in Marion County. Notice shall be sent to the Oregon Chapter of the National Association of Social Workers (NASW) and also published in the Association of Social Work Boards (ASWB) Disciplinary Action Reporting System (DARS). Thereafter, inquiries about the respondent's status should be answered by the Board's Administrator in accordance with ORS 676.175. Requests for additional information should be considered by the full Board, acting with the advice of its counsel. Individual Board members and employees of the Board shall abstain from discussion and disclosure of details of complaints outside of the official activities described in these Rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595

Hist.: BCSW 1-1986, f. & ef. 7-7-86; BCSW 2-1991, f. & cert. ef. 5-30-91; BCSW 2-1993, f. & cert. ef. 10-13-93; BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-2001, f. & cert. ef. 5-4-01; BCSW 2-2005, f. & cert. ef. 12-22-05

877-040-0055

Request for Hearing

(1) A Hearing Request and Answer shall be made in writing to the Board by a party or his/her attorney and must be received by the Board within the time specified in the Notice.

(2) An Answer shall include the following:

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

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

(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 Board; and

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

Stat. Auth.: ORS 675.510 - 675.600, 675.900 & 675.990

Stats. Implemented: ORS 675.595(11)

Hist.: BCSW 1-1995, f. 6-26-95, cert. ef. 7-1-95; BCSW 1-1999, f. & cert. ef. 4-9-99; BCSW 2-2005, f. & cert. ef. 12-22-05