

Chapter 833 Board of Licensed Professional Counselors and Therapists

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DIVISION 1

PROCEDURAL

833-001-0000

Notice of Proposed Rulemaking

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

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

(2) Mail such notice to persons on the Board of Licensed Professional Counselors and Therapists mailing list established pursuant to ORS 183.335(1)(c) and to the legislators specified in 183.335(1)(d) at least 49 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;
- (d) Oregon Mental Health Counselors Association; and
- (e) Oregon college and university departments offering graduate degrees in counseling and marriage and family therapy.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 183.341

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

833-001-0005

Model Rules of Procedure

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

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 183.341

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

833-001-0010

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

In addition to the requirements stated in OAR 137-003-0000 of the Attorney General's Model Rules of Procedure adopted by 833-001-0005, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be required, and

if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of 833-001-0015 with the notice.

Stat. Auth.: ORS 675

Stats. Implemented: ORS 183

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

833-001-0015

Hearing Request and Answers; Consequences of Failure to Answer

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

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

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

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

(3) Except for good cause:

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

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

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

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

Stat. Auth.: ORS 675

Stats. Implemented: ORS 183.413

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

(14) “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.

(15) “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.

(16) “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.

(17) “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.

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

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

(b) One semester is equal to 1.5 quarters;

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

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

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

Stat. Auth.: ORS 675.715 & 675.785

Stats. Implemented: ORS 675.785

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

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

(a) The non-refundable application fee;

(b) Official transcript sent to the Board from the college or university and supporting documentation as necessary showing education requirements have been met;

(c) Documentation to prove experience requirements have been met or request for registration as an intern with a proposed plan to obtain required experience;

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

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

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

(3) Applicants will be allowed one year from Board receipt of an application to file a completed application which documents that the applicant meets the educational and experience qualifications for licensure.

(4) Failure to withdraw the application or complete the process within the allowed time will result in closure of the file. An incomplete application includes but is not limited to an application in which

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

(b) Required forms are not submitted;

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

(5) The Board retains the right to extend the one year period to complete application.

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0021

Methods of Application

(1) Applications for licensure must indicate one of the following methods for compliance with the supervised work requirements for licensure:

(a) Intern registration;

(b) Direct;

(c) Reciprocity;

(d) Re-licensure; or

(e) Reapplication.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0031

Intern Registration Method

(1) The intern registration method is required for applicants who seek acceptance of post-degree supervised clinical experience completed in Oregon after June 30, 2002. The intern registration method requires applicant to obtain Board approval of a proposed plan for completing required hours of supervised clinical experience. No less than 1,000 hours of supervised clinical experience must be completed under an approved plan.

DIVISION 20

APPLICATION METHODS

833-020-0011

Applications

(1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board and be on forms provided by the Board.

(2) Applicants approved for registration as an intern who maintain registration status and meet the conditions for annual renewal will be allowed five years to complete the experience requirements, as specified in OAR 833 division 50, to be approved for licensure or for examination. Failure to meet the experience requirements for licensure within five years will result in expiration of registration and closure of the application file.

(3) The intern may petition the Board to allow renewal for up to one year of registration beyond the maximum five years if he/she can show good cause for such extension.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0041

Direct Method

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

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

(3) Supervised clinical experience hours must include no less than 480 post-degree client contact hours completed within 60 months immediately prior to the application for licensure.

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0051

Reciprocity Method

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

(2) The Board will review each application designating the reciprocity method to determine if licensing is appropriate. The Board will compare the minimum standards in effect in the other jurisdiction when it granted a license with the current education, clinical experience, and examination standards required for Oregon licensure.

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

(4) The application must also include verification of from the sending state that applicant:

(a) Has a current, active license in that state; and

(b) The license is comparable to the Oregon license requested

(c) Applicant's license from other state is not temporary, probationary, expired, revoked, or suspended;

(d) The applicant has not been disciplined, including a reprimand or letter of concern; and

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

(5) The applicant's license in the other state must have:

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

(b) Been issued to an applicant whose qualifying degree meets Majority Standards for Graduate Degrees specified in OAR 833 Division 60;

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

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

(6) Five years or more of licensed clinical experience in another state may substitute for a maximum of 15 semester or 20 quarter credits of academic education required for licensure. Clinical experience may not substitute for diagnosis training.

(7) Completed supervised clinical experience performing direct client counseling or marriage and family therapy, which must have included no less than:

(a) At least 2,000 hours in at least two years or the equivalent for licensed professional counselor;

(b) At least 2,000 hours earned in at least 3 years for licensed marriage and family therapist.

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

(9) Documentation of acceptance on the national credentials registry for professional counselors may substitute for education and experience requirements for licensure as a professional counselor.

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

(a) 833-030-0041 for licensure as a professional counselor; or

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

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2011, f. 1-13-11, cert. ef. 2-1-11

833-020-0061

Re-Licensure Method

(1) The re-licensure method is required for applicants who have previously been licensed by the Board. The re-licensure method requires the applicant, as a previous Board licensee, to request a new license with a new license number, but without documenting further supervised clinical experience.

(2) To be considered for re-licensure, 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 that must include a sworn statement that there is no reason for denial, including that applicant:

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

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

(b) 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; and

(d) Report listing 20 hours of continuing education meeting the standards set forth in OAR 833-080-0011, 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.

(3) 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 mar-

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riage and family therapy, or request for waiver of the professional disclosure statement; and

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0071

Reapplication

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 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0081

Examination

(1) Applicants approved for examination must maintain examination status by sitting for the competency portion of the state examination once per year based on the eligibility date established by the board.

(2) Registered interns may take the competency exam any time during their internships.

(3) Failure to document passage of an acceptable competency examination or failure to register and attempt to pass the competency portion of the state examination at least once per year will result in denial of licensure.

(4) Applicants must pass the competency exam within two years after meeting experience requirements for licensure.

(5) Applicants who fail to pass the competency portion of the state exam after taking the exam three times, must:

(a) Complete graduate level coursework in the content areas failed in the exam;

(b) The graduate level coursework must be completed from:

(A) A program accredited by CACREP, CORE, or COAMFTE;

or

(B) A regionally accredited college or university;

(c) Re-apply for licensure.

(6) Applicants are allowed 30 days, from the date the board sends the law and rules exam to the applicant, 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 application.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0091

Effective and Expiration Dates of Licenses

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0101

License Renewal/Late Renewal

(1) License may be renewed by paying the renewal fee no more than 45 days before, or during the renewal month accompanied by:

(a) The completed renewal form provided by the Board which will 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 contain false, incomplete, outdated or misleading information.

(2) A licensee may renew a license in the month following the renewal month by submitting to the Board:

(a) The renewal fee;

(b) A late fee;

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

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

(e) An updated, professional disclosure statement, if renewal information indicates that the one on file with the Board may contain false, incomplete, outdated or misleading information.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0112

Duplicate Licenses

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-020-0201

Licensee Professional 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:

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

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

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

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

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

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

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

(2) The statement must include the name, address, and telephone number of the Oregon Board of Licensed Professional Counselors and Therapists.

(3) Professional disclosure statement must be available in a format that meets the following specifications:

(a) No less than 8-1/2 inches wide by 11 inches long; and

(b) With clear type no smaller than 10 point so it is easily read and accessible to people with disabilities.

(4) Licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in OAR 833-020-0201(1), (2), and (3).

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

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

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

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

(c) Licensees providing crisis response; and

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

(7) Prior to providing services, the licensee must furnish each client with a copy of a professional disclosure statement. If the licensee fails to provide the statement, the licensee may not charge the client a fee for services.

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

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

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

833-020-0301

Current Information to Board

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

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

(b) Electronic mail address;

(c) Home and work telephone numbers; and

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

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

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

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

DIVISION 30

REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELOR

833-030-0011

Educational Requirements for Licensure as a Professional Counselor

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

(1) A graduate degree in counseling received from a program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP);

(2) A graduate degree in counseling received from a program 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 division 60; or

(4) A graduate degree determined by the Board to meet a majority of the graduate degree standards defined in OAR 833 division 60 and the degree coursework standards set forth in OAR 833, division 60, including additional graduate training as set forth in OAR 833, division 60 that together meet the graduate degree standards of graduate academic coursework related to a degree in counseling.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-030-0021

Experience Requirements for Licensure as a Professional Counselor

(1) To qualify for licensure as a professional counselor under ORS 675.715(3) and 675.720, an applicant must have completed the equivalent of three years of full-time supervised clinical counseling experience that consisted of no less than 2,400 supervised direct

client contact hours of counseling. The supervised counseling experience must be:

(a) Completed in Oregon prior to June 30, 2002;

(b) Completed in another state or country prior to application;

(c) Completed while a registered intern with the Board;

(d) Up to 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program; or

(e) Any combination of hours completed as indicated in (a), (b), (c) and (d).

(2) Direct client contact hours for applicants seeking the professional counselor license, may be comprised of pre-degree hours plus post-degree hours.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-030-0031

Supervision of Direct Client Contact Hours

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

(a) Taken place within the same calendar month as the completed direct client contact hours;

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

(c) Been 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 counter-transference issues and develop a plan for the supervisee to work through those issues independently;

(d) Total no less than two (2) hours of supervision for months where 45 or less direct client contact hours are completed; or total no less than three (3) hours of supervision for months where 46 or more direct client contact hours are completed; and

(e) Been conducted in a professional setting, face to face, one to one, except:

(A) Up to 75 percent of the individual supervision hours may have been by electronic communication; and

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

(i) Included no more than ten (10) supervisees for supervision taking place before July 1, 1998 or six (6) supervisees for supervision on or after July 1, 1998;

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

(iii) Was not a staff or team meeting, intensive training seminar, discussion group, consultation session, or quality assurance or review group.

(2) The supervisor, at the time of supervision must have:

(a) Three years of post-graduate clinical experience as a licensed mental health professional; and

(b) 30 clock hours of training in supervision theory and practice through post-master's workshops or post-master's graduate level academic coursework for any supervision hours provided after June 30, 1992.

(3) The supervisor at the time of supervision also must have:

(a) Been a National Certified Counselor (NCC), Certified Clinical Mental Health Counselor (CCMHC), Certified Rehabilitation Counselor (CRC); or Certified Career Counselor (CCC); or

(b) Held a license as a professional counselor in the State of Oregon or held an Oregon or other state certification or licensure

judged comparable by the Board, such as standard school counselors or psychologist associates or those state-licensed as clinical psychologists, clinical social workers, and marriage and family therapists.

(4) In lieu of sections (2) and (3) the supervisor at the time of supervision may have been an approved supervisor through American Association for Marriage and Family Therapy, the Center for Credentialing and Education, or the American Association of Pastoral Counselors.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-030-0041

Examination Requirement for Licensure as a Professional Counselor

(1) All applicants for licensure as a professional counselor must pass an examination consisting of two separate sections: a competency section and an Oregon law and rules section.

(2) To qualify for licensure as a professional counselor under ORS 675.715(5), an applicant must pass 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.

(3) The Board uses the National Counselor Examination as the state examination.

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

- (a) Submit an application; and
- (b) Meet the graduate program and coursework requirements in OAR 833 division 60.

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

(6) Passing scores will be:

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-030-0051

Documentation of Requirements for Licensure as a Professional Counselor

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 40

REQUIREMENTS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS

833-040-0011

Educational Requirements for Licensure as a Marriage and Family Therapist

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

(1) A graduate degree in marriage and family therapy received from a program approved by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or a marital and family therapy program fully accredited by the Counsel for Accreditation of Counseling and Related Educational Programs (CACREP); 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 division 60; or

(3) A graduate degree determined by the Board to meet a majority of the graduate degree standards defined in OAR 833 division 60 and the degree coursework standards set forth in 833 division 60, including additional graduate training as set forth in 833 division 60 that together meet the graduate degree standards of graduate academic coursework related to a degree in marriage and family therapy.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-040-0021

Experience Requirements for Licensure as a Marriage and Family Therapist

(1) To qualify for licensure as a marriage and family therapist under ORS 675.715(4) and 675.720, an applicant must have at least three years of full-time supervised clinical experience that consisted of no less than 2,000 supervised client contact hours of therapy with at least 1,000 of those hours working with couples and families.

(2) Direct client contact hours must have been:

(a) Obtained after receipt of the qualifying graduate degree; and

(b) Face to face with a client or clients including through electronic communication.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11

833-040-0031

Supervision of Direct Client Contact Hours

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

(a) Take place within the same calendar month as the completed direct client contact hours;

(b) Be provided by someone other than a spouse or relative by blood or marriage or a person with whom the applicant has or had a personal relationship;

(c) 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 counter-transference issues and develop a plan for the supervisee to work through those issues independently; and

(d) Total no less than two (2) hours of supervision for months where 45 or less direct client contact hours are completed; or total no less than three (3) hours of supervision for months where 46 or more direct client contact hours are completed; and

(e) Be conducted in a professional setting, face to face, one to one, except:

(A) Up to 75 percent of the individual supervision hours may be by electronic communication; and

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

(i) Included no more than ten (10) supervisees for supervision taking place before July 1, 1998 or six (6) supervisees for supervision on or 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, intensive training seminar, discussion group, consultation session, or quality assurance or review group.

(2) The supervisor, at the time of supervision must have been:

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

(b) Licensed as a marriage and family therapist or hold an equivalent certification or license as determined by the Board, such as that required for clinical psychologists, clinical social workers and professional counselors; and

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-040-0041

Examination Requirement for Licensure as a Marriage and Family Therapist

(1) All applicants for licensure as a marriage and family therapist must pass an examination consisting of two separate examination sections: a competency section and an Oregon law and rules section.

(2) To qualify for licensure as a marriage and family therapist under ORS 675.715(5), an applicant must 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.

(3) The Board prescribes as the competency section 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.

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

(a) Submit an application;

(b) Meet the graduate program and coursework requirements prescribed in OAR 833 division 60; and

(c) Meet the supervised clinical experience requirements prescribed in OAR 833-040-0031.

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

(6) Passing scores will be:

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-040-0051

Documentation of Requirements for Licensure as a Marriage and Family Therapist

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 50

REGISTERED INTERNS

833-050-0011

Intern Registration Method

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0021

Application for Registration as Intern

(1) An applicant for registration must:

(a) Meet all registration requirements in effect at the time the application is submitted;

(b) Request registration on Board approved forms;

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

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

(e) Meet the graduate degree standards for licensure according to OAR 833, division 60;

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

(g) Abide by the Board's laws and rules.

(2) Applicants for professional counselor and marriage and family therapist must pay a fee for each license.

(3) Applicants approved for registration as an intern will have five years to complete the supervised direct client contact hours necessary for licensure or for examination. The intern may petition the Board to allow extension of registration for up to one year beyond the maximum five years if he/she can show good cause for such extension.

(4) Registered interns may indicate registration or use the title "registered intern", "LPC intern", "LMFT intern" or any permutation in connection with a practice that is covered by an approved plan.

(5) Former applicants who re-apply may transfer direct client contact hours accrued under a board-approved plan to their new plan.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0031

Registered Intern Professional Disclosure Statement

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

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

- (a) Name, business address and telephone number;
- (b) Name of the intern's supervisor(s);
- (c) Philosophy and approach to counseling or marriage and family therapy;
- (d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;
- (e) Supervision requirements;
- (f) Fee schedules;
- (g) The bill of rights of clients listed in OAR 833-100-0021 the Code of Ethics; and
- (h) The name, address, telephone number, and website address of the Oregon Board of Licensed Professional Counselors and Therapists.

(3) The Professional Disclosure statement must be accessible to people with disabilities.

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

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

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

833-050-0041

Intern Professional Disclosure Statement Waiver

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

(1) Registered intern can satisfy the Board that there is good cause to be exempt from specific requirements, including but not limited to: name, practice address and telephone number; fee schedules; or other specific board required information;

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

(3) The intern is practicing outside Oregon and is not required (by his or her employing agency) to provide disclosure statements to clients; however, the intern must inform clients that he or she is working toward licensure in the state of Oregon, the name of his or her clinical supervisor, and provide the address and telephone number of the Oregon Board upon request.

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

833-050-0051

Intern Registration Plan

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

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

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

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

(c) How the intern will meet licensure requirements;

(d) Responsibilities of all parties;

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

(f) Signatures of all parties.

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0061

Effective Dates of Intern Registration

Initial registration as an intern will be effective when applicant completes the registration process that includes approval of completed request and internship plan.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0071

Direct Client Contact

(1) Applicants for LPC must accrue 2,400 hours of supervised direct client contact to qualify for licensure.

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

(3) LPC Interns may count direct client contact hours acquired outside a registered intern plan as follows:

(a) Up to 400 direct client contact hours accrued as part of a graduate degree internship;

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

(c) Post-degree supervised direct client contact hours completed outside of Oregon that meet Oregon requirements at the time of application for licensure.

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0081

Supervision

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

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

(3) Supervision meetings must be no less than one hour, defined as no less than 50 minutes.

(4) Supervision each month must total at least:

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

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

(5) At least 25% of supervision hours each month must be conducted in a professional setting, face to face. Up to 75% of supervision hours may be conducted through electronic communication.

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

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

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

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

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

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

(9) Interns must take steps to ensure consistency in supervision throughout the internship. The intern must request approval from the Board to change supervisors more than three times during the internship and provide steps taken to ensure consistency when changing supervisors.

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

(11) The supervisor must have the authority to:

(a) Review all case records, billings, appointment books, and client population;

(b) Review and determine appropriateness of individual charts and case records;

(c) Direct the intern to refer clients to other therapists when client needs are outside the intern's scope of practice; and

(d) Determine appropriate client caseload to be served by the intern.

(12) The supervisor of interns, at the time of supervision must:

(a) Be someone other than a spouse or relative by blood or marriage or a person with whom the application has or had a personal relationship; and

(b) Meet registered intern supervisor qualifications as required in OAR chapter 833, division 130.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0091

Supervisor Reporting

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

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

(a) Specific concerns;

(b) Steps taken to address the concerns;

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

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

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

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

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

(c) Require the intern to seek personal therapy;

(d) Extend the internship;

(e) Require additional training for the intern;

(f) Place internship on hold; or

(g) Deny the intern a license.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0111

Intern Reporting

(1) The intern must submit to the Board reports that include the hours of direct client contact accrued by month for the six-month period.

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0121

Changes to Intern Registration Plan

(1) The intern must report any interruptions or proposed termination of supervision.

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

(a) Supervision;

(b) Employment;

(c) Practice locations; and

(d) Supervisor(s).

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0131

Intern Registration Renewal

(1) Intern must renew registration annually within 30 days of the intern's annual renewal date. Annual renewal date is the first day of the month of initial registration.

(2) Registration renewal requires the intern to provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms, and updated Professional Disclosure Statement.

(3) If the intern does not provide the required fee and documents within 30 days of renewal, the internship will be expired.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0141

Placing Internship on Hold

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0151

Termination of Intern Registration Plan

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-050-0161

Current Information to Board

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

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

(b) Electronic mail address;

(c) Telephone number; and

(d) An updated, current Professional Disclosure Statement being provided to clients as required above.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 60

GRADUATE DEGREE STANDARDS

833-060-0012

Comparable Full Standards

A graduate degree shall be determined by the Board as comparable in content and quality to degrees from CACREP, COAMFTE, or CORE approved programs. Only CACREP accredited online graduate degrees in counseling or marriage and family therapy will be accepted as comparable in content and quality. Degrees must meet the following standards. The degree was from an institution that:

- (1) Was a fully accredited member of one of the regional institutional accreditation bodies at the time the degree was granted;
- (2) Offered a minimum of a master's degree;
- (3) Was at least two years' duration and at least:
 - (a) 48 semester credit hours or 72 quarter hours for graduate degrees granted before October 1, 2014; or
 - (b) 60 semester credit hours or 90 quarter credit hours for graduate degrees granted on or after October 1, 2014.
- (4) Included all coursework requirements set forth in OAR 833-060-0042 or 833-060-0052.
- (5) Included a required supervised clinical experience for all students of no less than:
 - (a) 600 total clock hours to include 240 direct client contact hours, for graduate degrees granted before October 1, 2014; or
 - (b) 700 total clock hours to include 280 direct client contact hours, for graduate degrees granted on or after October 1, 2014.
- (6) Facilitated a practicum and/or internship experience that:
 - (a) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;
 - (b) Made provision for faculty monitoring of operations;
 - (c) Kept records of student-client contact hours including summary of student progress by the supervisor;
 - (d) Had a written agreement with the program and student specifying learning objectives;
 - (e) Had a mechanism for program evaluation; and
 - (f) Maintained adherence to the Oregon Board Code of Ethics

OAR 833 division 100.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11

833-060-0022

Majority Standards for Graduate Degrees

Pursuant to ORS 675.715(1)(d), a graduate degree will meet a majority of the Board's standards if issued by a degree granting program that:

- (1) Was from a regionally accredited institution that provided training in counseling or marriage and family therapy;
- (2) Offered a minimum of a master's degree;
- (3) Was at least two years in duration;
- (4) Included coursework requirements for the degree as set forth in OAR 833-060-0042 or 833-060-0052; and
- (5) Included a degree-required practicum/clinical experience with on-site supervisors having competence in counseling or marriage and family therapy and field supervision.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-060-0032

Additional Graduate Training to Supplement Degree Program

(1) Training used to supplement a degree program pursuant to OAR 833-060-0022 must be taken and successfully completed for graduate credit at an accredited college or university.

(2) To fulfill the requirements for the clinical/applied experience, the applicant must complete a supervised clinical experience of no less than 700 clock hours.

(3) The requirement for a graduate program clinical experience may be waived if:

(a) The applicant has at least five years of full-time post-degree experience; and

(b) For marriage and family therapy degrees, the majority of clinical experience consisted of work in relationship issues.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-060-0042

Standards for LPC Coursework

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

- (a) Counseling Theory, three quarter hours/two semester hours;
- (b) Human Growth and Development, three quarter hours/two semester hours;
- (c) Social and Cultural Foundations, three quarter hours/two semester hours;
- (d) The Helping Relationship, three quarter hours/two semester hours;
- (e) Group Dynamics Processing and Counseling, three quarter hours/two semester hours;
- (f) Lifestyle and Career Development, three quarter hours/two semester hours;
- (g) Diagnosis and Appraisal of Individuals, three quarter hours/two semester hours;
- (h) Research and Evaluation, three quarter hours/two semester hours;
- (i) Professional Orientation, three quarter hours/two semester hours;
- (j) Clinical/Applied Experience of at least 600 clock hours; and
- (k) Supporting Coursework for Specialty Areas, 24–33 quarter hours/16–22 semester hours.

(2) The curriculum standards for counseling degrees leading to a professional counselor license, based on a *minimum* of 90 quarter or 60 semester hours:

- (a) Counseling Theory, three quarter hours/two semester hours;
- (b) Human Growth and Development, three quarter hours/two semester hours;
- (c) Social and Cultural Diversity Studies, three quarter hours/two semester hours;
- (d) The Helping Relationship, three quarter hours/two semester hours;
- (e) Group Dynamics Processing and Counseling, three quarter hours/two semester hours;
- (f) Lifestyle and Career Development, three quarter hours/two semester hours;
- (g) Diagnosis and Assessment of Individuals, three quarter hours/two semester hours;
- (h) Research and Evaluation, three quarter hours/two semester hours;
- (i) Professional Orientation and Ethical Practice studies including roles and responsibilities within the profession and in the community, three quarter hours/two semester hours;
- (j) Clinical/Applied Experience, of at least:
 - (A) 600 total clock hours to include 240 direct client contact hours, for graduate degrees granted before October 1, 2014; or
 - (B) 700 total clock hours to include 280 direct client contact hours, for graduate degrees granted on or after October 1, 2014; and
- (k) Supporting Coursework for Specialty Areas, 24 quarter hours/16 semester hours.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-060-0052

Standards for LMFT Coursework

(1) An applicant with a qualifying graduate degree granted before October 1, 2014, must have completed at least 48 semester or 72 quarter hours.

(2) An applicant with a qualifying graduate degree granted on or after October 1, 2014, must have completed at least 60 semester or 90 quarter hours.

(3) 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/four semester hours;

(b) Marital and Family Theoretical Foundation Studies, three quarter hours/two semester hours;

(c) Marital and Family Therapy Diagnosis and Assessment, Treatment, Principles and Techniques Studies, 12 quarter hours/8 semester hours;

(d) Professional Studies, three quarter hours/two semester hours;

(e) Research Methods or Statistics, three quarter hours/two semester hours;

(f) Clinical/Applied Experience of at least 600 clock hours; and

(g) Supporting Coursework Focusing on the Systems Paradigm for Specialty Areas, 24–33 quarter hours/16–22 semester hours.

(4) The curriculum standards for degrees meeting requirements for a marriage and family therapist license, based on 90 quarter or 60 semester hours:

(a) Individual and Family Development — 6 quarter hours/4 semester hours;

(b) Couple and Family Theoretical Foundation Studies — 9 quarter hours/6 semester hours;

(c) Couple and Family Therapy, Treatment, and Techniques Studies — 9 quarter hours/6 semester hours;

(d) Diagnosis of mental disorders — 3 quarter/2 semester hours;

(e) Diversity studies that include issues related to diversity, power and privilege — 3 quarter/2 semester credit hours

(f) Ethical and Professional Studies — 3 quarter hours/2 semester hours;

(g) Research Methods or Statistics — 3 quarter hours/2 semester hours;

(h) Clinical/applied experience, including practicum, of at least 700 clock hours with 280 hours of direct client contact; and

(j) Supporting coursework focusing on counseling and/or systems approaches — 54 quarter/36 semester hours.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-060-0062

Foreign Degrees

Applicants with degrees from universities outside the United States must submit a degree equivalency analysis conducted by an organization accepted by the board. The applicant will pay the cost of the analysis.

Stat. Auth.: ORS 675.785 - 675.835 & 676.150 - 676.405

Stats. Implemented: ORS 675.785 - 675.835 & 676.150 - 676.405

Hist.: BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11

DIVISION 70

FEES

833-070-0011

Fees

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

(1) Application for licensure:

(a) Without criminal background check — \$125; or

(b) With criminal background check — \$172.25.

(2) Initial license — \$100.

(3) Annual renewal of license in accordance with OAR 833-120-0011.

(a) Without criminal background check — \$125; or

(b) With criminal background check — \$172.25.

(4) Restoration fee — \$50.

(5) Examination:

(a) For professional counselor license — Candidates will pay exam and exam administration fees to the prescribed examination providers.

(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 in accordance with OAR 833-120-0011

(a) Without criminal background check — \$80; or

(b) With criminal background check — \$127.25.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-070-0021

Fee Refunds

Overpayment of fees or fees submitted as part of application before required will be refunded.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-070-0031

Availability of Public Records

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 80

CONTINUING EDUCATION

833-080-0011

Continuing Education

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

(1) Licensees who receive their initial license less than 12 months before the continuing education reporting date will not be required to report continuing education.

(2) Licensees who receive their initial licenses between 12 and 23 months before the continuing education reporting date must report 20 hours of continuing education.

(3) Licensees who receive their initial licenses 24 or more months before the continuing education reporting date must report 40 hours of continuing education.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-080-0021

Continuing Education Waiver

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

(2) The Board may approve requests for waivers from licensees who cannot attend the required hours of training because of a medical condition. The licensee must include the following information as part of the request.

- (a) The rationale for a waiver;
- (b) The nature of the illness or disability;
- (c) The time period the waiver would cover;
- (d) A statement as to how the condition prevents participation in continuing education;
- (e) Signature by the licensee or legal representative; and
- (f) Signed statement from a recognized medical practitioner.

(3) The Board may approve requests for waivers from licensees who do not plan to practice for an extended period of time. The licensee must include the following information as part of the request.

- (a) The rationale for a waiver;
- (b) The time period the waiver would cover; and
- (c) Signature by the licensee or legal representative.

(3) The Board will notify the licensee requesting a waiver whether the request is approved.

(4) 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.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-080-0031

Continuing Education Content

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

- (a) Counseling or marriage and family therapy theory & techniques;
- (b) Human development and family studies;
- (c) Social and cultural foundations in counseling or marriage and family therapy;
- (d) The helping relationship;
- (e) Group dynamics;
- (f) Life style and career development;
- (g) DSM diagnosis assessment;
- (h) Research and evaluation;
- (i) Professional orientation and ethics;
- (j) Professional supervision training;
- (k) Disability and life transitions;
- (l) Substance abuse;
- (m) Psychopharmacology;
- (n) Diagnosis and treatment of mental health disorders.

(2) Six clock hours of continuing education in ethics is required each reporting period.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-080-0041

Methods of Obtaining Hours

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

(a) Continuing education activities with no limits on continuing education units:

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

(B) Seminars, workshops, conferences and/or trainings may be “live” or offered through distance learning technology. Distance

learning trainings must be offered or approved by a provider acceptable to the Board e.g., NBCC.

(C) Home study from approved providers must be offered or approved by a provider acceptable to the Board e.g., NBCC.

(b) Continuing education activities for which you can obtain a maximum of 20 continuing education units within a two year period:

(A) Publication activities include:

- (i) Five credits per article or review in a refereed journal that is directly related to counseling;
- (ii) Five credits per chapter in edited books, 20 credits for authorship of an entire book;
- (iii) Five credits per 30 minutes of initial video production directly related to counseling;
- (iv) Five credits for reviewing a book proposal; and
- (v) Five credits for each year of service on an editorial board of a professional counseling journal.

(B) Professional presentations. Credit is given for the initial research and development of a professional presentation. The number of credits given is twice the number of hours spent making the presentation;

(C) Leadership in the profession — 10 credits a year for the following:

- (i) Serving as an officer of a state or national counseling organization;
- (ii) Serving as a member of a state counseling/therapy licensing board or national certification board; or
- (iii) Chairing a national counseling conference or convention.

(2) Receiving supervision. One credit/one clock hour for supervision received from a supervisor who meets the Board’s standards on supervision, for a maximum of 10 continuing education activities within a two year period.

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

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

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

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

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

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-080-0051

Documentation and Submission of Continuing Education

(1) Licensees must certify to the Board, at the time of annual renewal on even-numbered years, that the continuing education

requirements were met by providing a summary list of continuing education activities/courses as described in OAR 833-080-0041.

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

(a) Academic transcripts;

(b) Dated certificates (originals or copies) of completion of training;

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-080-0061

Continuing Education Audit and Penalties

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

(2) Licensees participating in the continuing education audit that are unable to satisfactorily document that they completed training meeting the standards set forth in OAR 833-080-0041 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 fewer hours — \$1,000.

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 90

DISTANCE COUNSELING

833-090-0010

Technology-Assisted Services

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

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-090-0020

Inappropriate Services

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-090-0030

Laws and Statutes

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-090-0040

Technology and Informed Consent

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

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

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

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 100

CODE OF ETHICS

833-100-0011

General Purpose and Scope

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

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

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

Chapter 833 Board of Licensed Professional Counselors and Therapists

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

833-100-0021

Responsibility

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) A licensee obtains written informed consent from the client or legal representative of the client for rendering professional services. Informed consent constitutes informing the client as early in the therapeutic relationship as possible of the nature and anticipated course of therapy, services and approaches to be used, potential risks or experimental methods proposed, alternatives for treatment, fees, involvement of third parties, limits of confidentiality, and the client's right to accept or refuse any and all therapeutic treatment.

(15) A licensee makes available as part of the disclosure statement a bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:

(a) To expect that a licensee has met the minimum qualifications of training and experience required by state law;

(b) To examine public records maintained by the Board and to have the Board confirm credentials of a licensee;

(c) To obtain a copy of the Code of Ethics;

(d) To report complaints to the Board;

(e) To be informed of the cost of professional services before receiving the services;

(f) To be assured of privacy and confidentiality while receiving services as defined by rule or law, including the following exceptions:

(A) Reporting suspected child abuse;

(B) Reporting imminent danger to the client or others;

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

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

(E) Defending claims brought by the client against licensee;

(g) To be free from being the object of discrimination on any basis listed in subsection (9) of this rule while receiving services.

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-100-0031

Client Welfare

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

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-100-0041

Integrity

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

(2) Licensees are aware of their influential positions with respect to students, employees, supervisees, and clients, and they avoid exploiting the trust and dependency of such persons. Licensees make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are

not limited to, business or personal relationships, sexual relationship, relatives, students, employees, or supervisees.

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

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

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

(6) A licensee does not engage in or solicit sexual acts or a sexual relationship with a former client 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, any statements or actions made by the licensee during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship, and whether the licensee attempted to protect the client by referral or consultation. Licensees do not accept as clients those with whom they have engaged in sexual intimacies.

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

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

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

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

(11) A licensee informs a client of a divergence of interests, values, attitudes, or biases between a client and the licensee that is sufficient to impair their professional relationship. Either the client or the licensee may terminate the relationship.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-100-0051 Confidentiality

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

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

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

(4) A licensee is responsible for being aware of the state and federal regulations concerning confidentiality and for informing clients of the limits of confidentiality as a part of informed consent

for services in the context of couple, family, or group treatment. A licensee does not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

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

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

(7) A licensee limits access to client records and informs every individual associated with the agency or facility of the licensee, such as a staff member, student, or volunteer, that access to client records must be limited to only the licensee with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the written informed consent of the client. Client records are defined as the records of the counseling or therapeutic relationship, including interview notes, assessments, diagnosis, appraisals, correspondence, or recordings.

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

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

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

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

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

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

(12) A licensee provides clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records, or when information from others about the client could result in harm to that person or persons upon disclosure to the client. Following guidelines set forth in ORS 192.518(2) and 675.765(1), unless otherwise ordered by the court, parents shall have access to the client records of juveniles who are receiving professional services from the licensee.

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-100-0061 Conduct and Competence

(1) A licensee accepts the obligation to conform to higher standards of conduct in the capacity of a counseling professional. The private conduct of a licensee is a personal matter to the degree that it does not compromise the fulfillment of professional responsibility.

ties. A licensee will respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession.

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

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

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

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

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

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

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

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

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-100-0071

Assessment, Measurement, Research and Consulting

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

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

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

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 110

COMPLIANCE

833-110-0011

Response to Complaints

(1) 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 will 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 will be considered a complaint of title violation.

(3) The Board will 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 noti-

fied 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 must cooperate with Board representatives during investigations.

(6) At the conclusion of the investigation, a report will be filed with the Board in accordance with ORS 676.165–676.180. The report will:

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

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

(9) Complaint and information gathered by investigation into licensee or applicant competency or conduct will be kept confidential in accordance with ORS 676.165–676.180. The Board must 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 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

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

833-110-0021

Disciplinary Action

(1) The Board will 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 capable of causing or resulting in harm to a client or the public; and

(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 \$2,500 per occurrence for violation; and

(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 of disciplinary costs or civil penalties, or any combination thereof.

(4) Non-disciplinary actions include, but are not limited to, letter of concern or voluntary diversion.

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

Stats. Implemented: ORS 675.785 - 675.835

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

DIVISION 120

CRIMINAL HISTORY CHECKS

833-120-0011

Purpose and Scope

(1) The purpose of these rules, OAR 833-120-0011 to 833-120-0041, is to provide for the screening under ORS 181.534 of licensees, registered interns, and applicants for licensure with the Oregon Board of Licensed Professional Counselors and Therapists to determine if they have a history of criminal behavior such that they would be unable to, or should not be allowed to, perform the services of a Licensed Professional Counselor or Licensed Marriage and Family Therapist.

(2) The following persons must take the steps necessary to complete a state or nationwide criminal history check under ORS 181.534:

(a) A person who, on or after January 1, 2010, submits an application for licensure to the Board in accordance with OAR 833 division 20;

(b) A licensee or registered intern who, on or after January 1, 2010, submits an application for renewal of their license or status; and

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

(d) Exceptions. In lieu of completing a new state or nationwide criminal history check, a licensee in good standing with the Board may submit verification of a fingerprint-based criminal history check conducted within one year of the license renewal date by a Board approved agency.

(3) A criminal history check of each licensee and registered intern will be conducted at least once every five years as part of the license or internship renewal process.

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-120-0021

Requirements

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

(a) Provide fingerprints on a standard FBI fingerprint card (additional fingerprints may be required if the initial fingerprint card is rejected by OSP or the FBI);

(A) Fingerprints must have been taken not more than 60 days prior to submission to the Board.

(B) Licensees must submit fingerprints by their license renewal date.

(b) Provide personal information necessary to obtain the criminal history check; and

(c) Pay the actual cost to the board of conducting the criminal history check as part of a licensing or application fee, including fees imposed by OSP and for certified court records or documents.

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

(a) Responses to a criminal history questionnaire; and

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

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

Stats. Implemented: ORS 675.785 - 675.835

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

833-120-0031

Information Considered

(1) In reviewing the information obtained from a criminal history check, the Board will consider the following circumstances related to any criminal conviction, indictment, or pending indictment, arrest, and related information.

(a) The nature of the crime of which the person has been convicted, indicted, or arrested;

(b) The facts that support the conviction, indictment, or arrest;

- (c) The relevancy to the specific requirements of the person's position as a licensee or applicant;
 - (d) The passage of time since the commission of the crime;
 - (e) The age of the person at the time of the crime;
 - (f) The likelihood of a repetition of an offense or of the commission of another crime;
 - (g) Whether the person accepts responsibility for past actions;
 - (h) The commission of other relevant crimes;
 - (i) Whether the conviction was set aside and the legal effect of setting aside the conviction;
 - (j) A recommendation from an employer who employed the person after the conviction;
 - (k) Charges, arrests, and other behavior involving contact with law enforcement;
 - (l) Periods of incarceration;
 - (m) Compliance with parole, post-prison supervision, or probation;
 - (n) Drug or alcohol issues related to criminal activity including history of use, manufacturing, delivery, treatment, rehabilitation, and relapse;
 - (o) Other treatment or rehabilitation related to criminal activity includes assessments, evaluations, and risk assessments conducted before, after, or during treatment or rehabilitation;
 - (p) Protective services investigations or abuse and neglect reports;
 - (q) Local or national healthcare practitioner databases; and
 - (r) Previous complaints and investigations on file with the Board or any other licensing or professional oversight authority.
- (2) False statements are grounds for denial of an application for licensure or disciplinary action authorized under ORS 675.785.
- (3) A refusal to submit or consent to a criminal records check including fingerprint identification will result in disciplinary action as mandated by ORS 181.534. In the case of such a refusal by an applicant, the Board will consider the application incomplete and the application will be denied.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
 Stats. Implemented: ORS 675.785 - 675.835
 Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 11-10-11; Administrative correction 11-18-11

833-120-0041

Record Keeping and Confidentiality

- (1) Information obtained by the board in carrying out its responsibilities under this rule is considered part of an investigation and is confidential under ORS 676.175.
- (2) Information obtained from the Law Enforcement Data System is confidential and will be maintained by the Board in accordance with applicable OSP requirements. Copies of LEDS reports will not be shared.
- (3) The results of a fingerprint-based national criminal history check provided by the FBI or through OSP are confidential and may not be disseminated by the Board, with the following exceptions:
 - (a) The subject of a fingerprint-based criminal history check will be provided a copy of the results, if requested; and
 - (b) The results may be used as exhibits during a contested case hearing.
- (4) Challenges to the accuracy or completeness of criminal background information must be made to the reporting agency and not to the Board.
- (5) 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.
- (6) All completed criminal history request forms, other criminal history information and other records collected or developed during the criminal history check process will be kept confidential and only disseminated as allowed by law.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
 Stats. Implemented: ORS 675.785 - 675.835
 Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 11-10-11; Administrative correction 11-18-11

DIVISION 130

REGISTERED INTERN SUPERVISOR REQUIREMENTS

833-130-0010

Registry Established

- (1) Effective September 1, 2010, the Board will establish a Supervisor Registry that consists of licensed professional counselors and licensed marriage and family therapists.
 - (2) The Board may approve placement of a licensee on the Supervisor Registry if the licensee is a Supervisor Candidate or an Approved Supervisor.
 - (3) Registered interns pursuing licensure will be encouraged to find qualified supervisors from the registry.
- Stat. Auth.: ORS 675.705 - 675.835
 Stats. Implemented: ORS 675.705 - 675.835
 Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0020

Placement on Supervisor Registry

- Licensees wishing to be placed on the Supervisor Registry must submit a request on forms provided by the Board.
- Stat. Auth.: ORS 675.705 - 675.835
 Stats. Implemented: ORS 675.705 - 675.835
 Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0030

Registry Renewal

- A licensee who wishes to remain on the Supervisor Registry must complete the following every 5 years:
 - (1) Complete a renewal form provided by the Board;
 - (2) Successfully pass the Board's law and rules exam; and
 - (3) Obtain at least 5 clock hours of supervision-related training.
- Stat. Auth.: ORS 675.705 - 675.835
 Stats. Implemented: ORS 675.705 - 675.835
 Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0040

Supervisor Candidates

- (1) Supervisor Candidates must work toward meeting the requirements of an Approved Supervisor. If after five years as a Supervisor Candidate, the candidate has not met Approved Supervisor requirements, the candidate may no longer supervise registered interns.
 - (2) To qualify as a Supervisor Candidate, a licensee must meet the following requirements:
 - (a) Be licensed in Oregon as a professional counselor or as a marriage and family therapist;
 - (b) Complete 30 hours of supervision training;
 - (c) Receive supervision during supervisor candidacy from a board-approved supervisor;
 - (d) Successfully complete all requirements to qualify as an Approved Supervisor within five years;
 - (e) Successfully pass the Board's law and rules exam; and
 - (f) Be free of Board disciplinary action.
 - (3) Supervisors of marriage and family therapist interns must also have supervision training that includes systems components.
- Stat. Auth.: ORS 675.705 - 675.835
 Stats. Implemented: ORS 675.705 - 675.835
 Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0050

Approved Supervisors

- (1) To qualify as an Approved Supervisor, a licensee must meet the following requirements:
 - (a) Be licensed in Oregon for at least 3 years as a professional counselor or marriage and family therapist; or
 - (b) Have an active Oregon license as a professional counselor or marriage and family therapist and be an Approved Supervisor through American Association for Marriage and Family Therapy or the NBCC Center for Credentialing and Education, or be an American Association of Pastoral Counselors diplomate.
- (2) Before placement on the Supervisor Registry, a licensee must also:

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- (a) Complete 30 hours of supervision training;
- (b) Successfully pass the Board's law and rules exam;
- (c) Be free of Board disciplinary action;
- (d) Provide the Board with documentation of at least 12 hours

of supervision by a Board Approved Supervisor within the past 2 to 5 years. The licensee may have up to two Approved Supervisors, and both Approved Supervisors must complete an evaluation. Approved supervision may include one on one or group supervision of not more than 6 supervisees; and

(e) Document a minimum of 100 hours between 2 and 5 years of experience supervising at least two registered interns or student interns from Board-Approved Oregon graduate programs.

(3) Supervisors of marriage and family therapist interns must also have supervision training that includes systems components.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0060

Current and former supervisors

(1) As of September 1, 2010, Licensed Professional Counselors and Licensed Marriage and Family Therapists may be placed on the Supervisor Registry as Approved Supervisors if they have:

(a) A current, active license in Oregon as a professional counselor or as a marriage and family therapist;

(b) Within the last five years.

(A) A minimum of three years supervising graduate students, registered interns, or counselors or therapists;

(B) Passed the Board's law and rules exam; and

(C) Are free of disciplinary action from the Board; and

(c) Completed 30 clock hours of supervision training.

(2) Current supervisors of registered interns who are operating under an approved clinical experience plan on September 1, 2010, may complete the plan without meeting requirements for placement on the registry.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0070

Supervisors Not on the Registry

(1) Licensed Professional Counselors or Licensed Marriage and Family Therapists who wish to supervise interns registered with the Board must meet the following requirements:

(a) Have a current, active license in Oregon as a professional counselor or as a marriage and family therapist;

(b) Been licensed as a professional counselor or marriage and family therapist in Oregon for at least 3 years or have national supervisor certification by the National Board of Certified Counselors Center for Credentialing and Education, the American Association of Marital and Family Therapists, or as a diplomate of the American Association of Pastoral Counselors;

(c) Complete 30 hours of supervision training;

(d) Successfully pass the Board's law and rules exam; and

(e) Are free of disciplinary action from the Board.

(2) Other mental health professionals may serve as supervisors of registered interns if they meet the following requirements:

(a) Have a current, active license in Oregon as a mental health professional;

(b) Have been licensed in Oregon as a mental health professional for at least 3 years;

(c) Complete 30 hours of supervision training;

(d) Successfully passed the Board's law and rules exam; and

(e) Are free of disciplinary action from his or her state licensing board.

(3) Supervisors of marriage and family therapist interns must also have supervision training that includes systems components.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10

833-130-0080

Supervisor Registry Appeal Process

(1) LPC and LMFT supervisor applicants denied placement on the registry may appeal the decision if the denial was based on discipline imposed by the Board.

(2) During review of the appeal, the Board will consider

(a) Type of violation and imposed discipline;

(b) The passage of time since the violation and discipline;

(c) Whether discipline was corrective, punitive or both;

(d) Compliance with imposed discipline;

(e) Results of national health care database search;

(f) Whether behavior resulted in harm to clients;

(g) Previous complaints resulting in discipline;

(h) Results of criminal background check; and

(j) Any other information the board finds relevant.

Stat. Auth.: ORS 675.705 - 675.835 & 676.150 - 676.405

Stats. Implemented: ORS 675.705 - 675.835 & 676.150 - 676.405

Hist.: BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11