

## Information on Custodian of Records Oregon Board of Licensed Professional Counselors and Therapists

### Overview\*

OAR [833-075-0080](#) mandates that all licensees (LPCs and LMFTs) and registered associates must notify the Board of a "custodian of record" who will take care of client files and referrals in the case of death or incapacity of the licensee/registered associate. The custodian must be:

- An Oregon licensed mental health professional;
- An Oregon licensed medical professional;
- A health care or mental health organization that the licensee/registered associate is employed by;
- An attorney;
- A school; or
- A medical records company.

### Update your Custodian of Record

Login to the [Licensee Portal](#) and select the Custodian of Record menu item. Click [here](#) for information on the Board's new licensing system.

[Custodian of Record Form](#)

### Q & A

**Q1:** May the custodian of record requirement be waived for licensees and registered associates working for a state agency?

A: No; submit the form listing the state agency and contact information.

**Q2:** Do you have a list of duties of a custodian of record?

A: We do not have a list. The purpose of having a custodian is so that if you are no longer available, clients have someone to ask about their records and possibly referrals to other counselors or therapists.

**Q3:** I have worked for two organizations. Should I submit two custodians?

A: Yes, submit two forms.

**Q4:** I am not practicing and do not have any client records. Do I need to submit a custodian of record form?

A: Yes; please submit the form and write on it that you are not practicing and have no client records.

**Q5:** I am practicing out of the country. Do I need to identify a custodian of record in this country?

A: No; as long as you do not have client records in Oregon from the last 7 years.

**Q6:** What if my custodian of record has changed?

A: You must notify the Board immediately by submitting a new form.

**Q7:** My spouse is an LPC; may I designate her as the custodian?

Yes, since she is licensed.

**Q8:** I am licensed and in an academic setting not seeing clients. Do I need to respond in some way to indicate that?

A: Yes; please submit the form and write on it that you are not practicing and have no client records.

**Q9:** Is the Custodian of Record's signature necessary?

A: Not required but may be helpful for you and assures us that the custodian knows you have named them as such.

**Q10:** Do I need to submit a custodian of record for my registered associate practice clients?

A: Yes.

**Q11:** In order to maintain confidentiality, the custodian will have access to my records, so do I need an additional release of information?

A: You should work that out with the custodian and make sure that your clients know that someone else may access their records.

**Q12:** May I designate someone who is licensed in another state, but not Oregon?

A: No. The OAR specifies Oregon licensure.

**Q13:** May I designate a registered associate, even though he or she is not licensed?

A: Yes.

**Q14:** I provide counseling for my church. May the church be the custodian of those records?

A: No.

**Q15:** This requirement does not seem to fit my situation; what should I do?

A: Call or write the Board's office to discuss what to do.

\*Information obtained on October 22, 2021, from  
<https://www.oregon.gov/oblpc/Pages/Custodian.aspx>