

Privileges and Duties of Community Practitioners
[Draft v.12]

DEFINITIONS (OAR 333-333-XXX1)

For the purposes of OAR 333-333-XXX1 through 333-333-XX10:

- (1) “Community activities” means the activities of a client during a community administration session.
- (2) “Community administration session” means a psilocybin administration session in which community practitioner privileges are utilized.
- (3) “Community administration space” means a building, room, yurt, or other structure or part of a structure or outdoor location where a community administration session occurs.
- (4) “Community facilitator” means a person holding a psilocybin services facilitator’s license who has received community practitioner privileges.
- (5) “Community manufacturer” means a person holding a psilocybin services manufacturer’s license who has received community practitioner privileges.
- (6) “Community practitioner” means the holder of a facilitator, manufacturer, or service center operator license who is utilizing community practitioner privileges granted to them by the Oregon Health Authority.
- (7) “Community practitioner privileges” means the privileges described in 333-333-XXX5.
- (8) “Community service center” means a psilocybin service center that has received community practitioner privileges.
- (9) “Cooperative” has the same meaning as defined in ORS 62.015.
- (10) “Financial interest” has the same meaning as defined in OAR 333-333-1010(24).
- (11) “Group administration session” means an administration session as defined in ORS 475A.220(1) in which a client experiences the effects of psilocybin at the same time as one or more other clients in the same location.
- (12) “Historical plant medicine community” means one or more communities who have historically engaged in the use of psilocybin-containing mushrooms or other psychoactive plants or fungi.
- (13) “Nondirective facilitation” has the same meaning as defined in OAR 333-333-1010(44).
- (14) “Nonprofit organization” has the same meaning as defined in ORS 65.001(33).
- (15) “Peer support assistance” means assistance provided by one client to another client during a community administration session, including harm reduction assistance.

- (16) “Reciprocal exchange program” means a program that collaborates with a historical plant medicine community for the purpose of:
- (a) Promoting cultural equity, as that term is defined in OAR 333-333-1010(17) in the provision of psilocybin products or psilocybin services in Oregon or elsewhere;
 - (b) Minimizing or reversing the impacts of colonialism, extraction, or cultural appropriation on a historical plant medicine community, or promoting the self-determination of that community; or
 - (c) Undoing harm caused by the War on Drugs.

Statutory Authority: ORS 475A.235; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235; ORS 475A.205(1)(c)

APPLICATION FOR COMMUNITY PRACTITIONER PRIVILEGES (OAR 333-333-XXX2)

- (1) The Oregon Health Authority shall grant community practitioner privileges to a psilocybin license holder who applies for community practitioner privileges and who:
- (a) Agrees to exercise their community practitioner privileges in accordance with the applicable special duties described in OAR 333-333-XXX4; and
 - (b) Agrees to exercise their community practitioner privileges in a manner that does not endanger the safety of clients or others who are in the proximity of the clients.
- (2) Notwithstanding (1) of this section, the authority shall be entitled to deny an application for community practitioner privileges if:
- (a) The applicant has a history of conduct suggesting the applicant may not be willing or able to act in accordance with the duties described in OAR 333-333-XXX4; or
 - (b) The authority has previously suspended or revoked the applicant’s community practitioner privileges.
- (3) Eligibility for community practitioner privileges is limited only to:
- (a) Individuals who hold a psilocybin services facilitator’s license;
 - (b) Nonprofit organizations who hold one or more psilocybin service center operator’s license; and
 - (c) Nonprofit organizations who hold a psilocybin manufacturer’s license.

Statutory Authority: ORS 475A.235; ORS 475A.245; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235; ORS 475A.245; ORS 475A.205(1)(c)

**CLIENTS SEEKING PSILOCYBIN SERVICES OR PRODUCTS INVOLVING
COMMUNITY PRACTITIONER PRIVILEGES** (OAR 333-333-XXX3)

In order for a client to receive psilocybin services or products that utilize community practitioner privileges, the client must:

- (1) Complete a Client Information Form as required by OAR 333-333-5050 and complete all other preparation and intake requirements imposed by rule or statute;
- (2) Provide informed consent to accept the particular risks associated with the particular community practitioner privileges being asserted, including if applicable the utilization of peer support assistance, consuming psilocybin products that were produced by a community manufacturer, and the supervision by a facilitator who is participating or is stationed outside of the community administration space;
- (3) Agree to conduct themselves in a manner that does not endanger the safety of clients or others who are in the proximity of the clients.;
- (4) Receive information about the available procedures for filing a complaint with both the community service center and the Oregon Health Authority; and
- (5) Participate in or donate to a reciprocal exchange program.

Statutory Authority: ORS 475A.235; ORS 475A.340; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235; ORS 475A.340; ORS 475A.205(1)(c)

SPECIAL DUTIES OF COMMUNITY PRACTITIONERS (OAR 333-333-XXX4)

- (1) The duties of a community practitioner include:
 - (a) For a community facilitator:
 - (A) To remain alert and attentive to client needs when participating in a community administration session;
 - (B) To not consume psilocybin products during a community administration session in which the facilitator participates;
 - (C) To remain alert and attentive to client needs when supervising a community administration session from outside the community administration space, and to maintain aural, visual, or other methods of being alerted when assistance is needed;
 - (D) To intervene in a community administration session to the extent necessary to enhance, preserve, or restore client safety;
 - (E) To have candid conversations during a preparation session about the possible risks associated with consuming high doses of psilocybin, if the client intends to consume a high dose;

- (F) To provide clients with written information on how to submit complaints to both the community service center and to OHA;
 - (G) To conduct themselves and to supervise community administration sessions in a manner that does not endanger the safety of clients or others who are in the proximity of the clients; and
 - (H) To fulfill all other duties ordinarily required of a psilocybin services facilitator except as provided in OAR 333-333-XXX5.
- (b) For a community manufacturer:
- (A) To provide safe psilocybin products;
 - (B) To store psilocybin products in a reasonable manner;
 - (C) To prevent the diversion of psilocybin products to anywhere other than community service centers or accredited testing laboratories;
 - (D) To provide the purchaser of its psilocybin products with a written explanation of the information required by and in accordance with OAR 333-333-2400, to the extent such information is known by the community manufacturer;
 - (E) To keep the premises of the community manufacturer sanitary and free from nuisances as defined by state and local law;
 - (F) To conduct manufacturing and all other activities in a manner that does not endanger the health or safety of clients or others who are in the proximity of the community manufacturer premises;
 - (G) The duty to preserve records of manufacturing activities, product track, and sales, and provide those to OHA in accordance with OAR 333-333-2010, 3080, and 8200-8260;
 - (H) To participate in or donate to a reciprocal exchange program; and
 - (I) To provide to OHA an annual report describing the community manufacturer's participation in or donations to a reciprocal exchange program.
- (c) For a community service center operator:
- (A) To take reasonable steps to ensure that the activities occurring at the community service center, including community administration sessions, are conducted in a manner that does not endanger the safety of clients or others who are in the proximity of the community service center;
 - (B) To develop and implement policies and procedures for addressing complaints, and to disclose these policies and procedures upon request;
 - (C) To exercise reasonable judgment in the provision of community facilitation and peer support assistance.

- (D) To be reasonably involved with the activities of the community service center;
 - (E) To provide the purchaser of psilocybin products manufactured by a community manufacturer with a written explanation of the information required by and in accordance with OAR 333-333-2400, to the extent such information is known by the community manufacturer;
 - (F) To provide written notice to all facilitators who provide psilocybin services in affiliation with the community service center that the service center has been granted community practitioner privileges;
 - (G) To provide periodic reports, no less than once each year, describing the community service center's participation in or donations to a reciprocal exchange program;
 - (H) To collect information and submit periodic reports, no less than once each year, describing clients' participation in or donations to a reciprocal exchange program, to the extent that the community service center is involved with such participation or donations;
 - (I) To complete and submit to OHA an incident report upon the occurrence of any of the criteria described in OAR 333-333-5140 in the manner and the form prescribed by the Authority;
 - (J) To fulfill all other duties ordinarily required of a psilocybin services center except as provided in OAR 333-333-XXX5;
 - (K) To exercise reasonable care and diligence in instructing clients who provide peer support assistance under OAR 333-333-XXX6; and
 - (L) To ensure that psilocybin products that have been tested in accordance with OAR 333-333-7030 through 7080 are available upon request of any client.
- (2) In addition to the duties described in subsection (1) of this section, community manufacturers and community service centers who operate with co-located licensing in a non-segregated manner are subject to the following duties:
- (a) To keep all public portions of the premises clean, safe, and sanitary;
 - (b) To provide only psilocybin products that are safe and sanitary;
 - (c) To prevent diversion of psilocybin products into the unregulated market;
 - (d) To maintain records of all psilocybin products that are manufactured and sold.
- (3) If a community manufacturer does not have the information ordinarily required by OAR 333-333-2400(3)(e) for a given batch of psilocybin products

on account that the batch was not tested as provided under OAR 333-333-XXX5, the community manufacturer must:

- (a) Include the following warning in the written information to be provided with the psilocybin product: “WARNING: The potency of this psilocybin cultivar may not have not been recently tested and may be substantially different from the potency information provided below. Psilocybin products with more reliable potency information are available upon request.” and
 - (b) Provide the quantity of psilocybin contained in the product, expressed in milligrams, and calculated using laboratory test results of the most recent time the genetic material of that batch was tested, and must include the testing date upon which the information is based.
- (4) The system described in subsections (1)(c)(B) of this section may include restorative justice models of conflict resolution, provided that the community service center makes clear to any complainant or other participant in that system that their participation is voluntary.
- (5) The special duties in this section apply:
- (a) With respect to community facilitators, any time the facilitator is providing psilocybin services in affiliation with a psilocybin service center that has community practitioner privileges; and
 - (b) With respect to a community service center operator or community manufacturers, at all times.
- (6) If a psilocybin service center operator is granted community practitioner privileges at a particular service center and has a financial interest in or affiliation with a psilocybin service center that does not have community practitioner privileges:
- (a) The duties described in this section do not apply to service centers that do not have community practitioner privileges; and
 - (b) The service center operator must take reasonable steps to ensure clients and potential clients are not confused about whether a service center has community practitioner privileges.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

PRIVILEGES OF COMMUNITY PRACTITIONERS (OAR 333-333-XXX5)

Community practitioners may enjoy the following privileges:

- 1) For facilitators:
 - a) To supervise outdoor group administration sessions;
 - b) To supervise group administration sessions in which clients freely engage in community activities, provided they do not endanger the safety of clients or others who are in the proximity of the clients.;
 - c) To supervise group administration sessions that are led by one or more clients who have consumed psilocybin products;
 - d) To supervise group administration sessions that meet their facilitator requirements through the application of OAR 333-333-XXX6;
 - e) To supervise or assist in the sale and consumption of psilocybin products produced by a community manufacturer;
 - f) To supervise or assist in the sale of psilocybin products on a flat-fee basis;
 - g) To not be restricted to any particular limit in the amount of psilocybin that a client may use in an individual community administration session;
 - h) To facilitate any number of administration sessions for a client after completing one preparation session;
 - i) To facilitate any number of psilocybin administration sessions for a client who has submitted one completed Client Information Form within the last 12 months;
 - j) To not be limited in the number of preparation or integration sessions to a client who takes psilocybin pursuant to OAR 333-333-XXX3(3);
 - k) To actively participate in community administration sessions in which the community facilitator is providing psilocybin services, provided that the community facilitator does not consume psilocybin products during the community administration session; and
 - l) To supervise community administration sessions from outside the community administration space, except to the extent required by OAR 333-333-XXX4(1)(a)(E).
- 2) For manufacturers:
 - a) To be located at a service center;
 - b) To sell fresh mushrooms for use at a community service center;
 - c) To sell psilocybin products that have tested for speciation and potency only once prior to initial sale by the manufacturer, and thereafter only upon written request by the Authority.
- 3) For service centers:
 - a) To host outdoor group administration sessions;
 - b) To host group administration sessions in which clients freely engage in community activities, provided they are safe;
 - c) To host group administration sessions that are directed by one or more clients who have consumed psilocybin products, so long as the facilitator retains supervisory authority;

- d) To host group administration sessions in which community facilitators supervise the administration from outside the community administration space, except to the extent required by OAR 333-333-XXX4(1)(a)(E);
- e) To host group administration sessions in which community facilitators participate, provided that the facilitator does not consume psilocybin products during the administration session;
- f) To sell or assist in the sale of any amount of psilocybin to a client for use in a particular psilocybin administration session;
- g) To host group administration sessions that meet their facilitator requirements through the application of OAR 333-333-XXX6;
- h) To host any number of psilocybin administration sessions for a client who has completed one preparation session;
- i) To host psilocybin administration sessions for clients who have submitted only one completed Client Information Form within the prior 12 months;
- j) To sell or assist in the sale of psilocybin products produced by a community manufacturer; and
- k) To sell or assist in the sale of psilocybin products on a flat-fee basis.

(7) Facilitators who supervise a community administration sessions from outside the community administration space shall be prohibited from using visual, audio, or similar recording or live-streaming technology in supervising an administration session.

(8) Community practitioner privileges are conditional upon the community practitioner's reasonable and diligent performance of the duties described in this section. Failure to exercise community practitioner privileges reasonably or diligently shall be grounds for discipline as described in OAR 333-333-XXX9.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.590(7); ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.590(7); ORS 475A.205(1)(c)

COMMUNITY FACILITATION REQUIREMENTS (OAR 333-333-XXX6)

(1) Notwithstanding OAR 333-333-5320(2), community facilitators may supervise community administration sessions that have an adequate amount of facilitation assistance. In determining an adequate amount of facilitation assistance, facilitators who supervise a community administration session shall consider the idiosyncratic factors of a given group, including:

- (a) A mental or behavioral health condition of any member that increases the likelihood of requiring support during the session;

- (b) The amount of psilocybin being consumed by the clients;
 - (c) The group and its members' prior experience with psilocybin, other psychedelics, or other non-ordinary states of consciousness;
 - (d) The facilitator's familiarity with the clients participating in the session;
 - (e) The types of activities the group intends to engage in;
 - (f) The amount of cohesion or discord present in the group, if known to the facilitator;
 - (g) The relevant experience and skill of the facilitators who are providing supervision;
 - (h) The relevant experience, training, or skill of any clients who are willing to volunteer to provide peer-support assistance during the session; and
 - (i) Any other risk or safety factors known to the facilitator.
- (2) A facilitator may not consider the factor described in subsection (1)(h) of this section with respect to a particular client until that client has participated in no fewer than 3 previous community administration sessions at the community service center from which the client
- (3) Whenever a facilitator supervises a session that relies on this section to provide an adequate amount of facilitation, each facilitator who participates in the supervision of that administration session must independently assess the factors described in subsection (1) of this section. Each facilitator who participates in supervising a community administration session shall be deemed to have approved of the amount of facilitation assistance that is provided in that administration session.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

LIMITATIONS ON COMMUNITY PRACTITIONER PRIVILEGES (OAR 333-333-XXX7)

- (1) Community practitioner privileges may be used or asserted:
- (a) Only at a psilocybin service center or manufacturing premises that has been granted community practitioner privileges; and
 - (b) If the community practitioner privileges include the provision of psilocybin services, only under the supervision of a facilitator who has received community practitioner privileges.

- (2) Psilocybin products produced utilizing community practitioner privileges may not be sold at, transferred to, or consumed at a service center that does not have community practitioner privileges.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); ORS 475A.340; ORS 475A.205(1)(c)

RECIPROCAL EXCHANGE PROGRAM DATA (OAR 333-333-XXX8)

The Oregon Health Authority shall publish and maintain the annual reports obtained from community practitioners concerning their participation in or donations to reciprocal exchange programs.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); ORS 475A.205(1)(c)

DISCIPLINARY PROCEEDINGS (OAR 333-333-XXX9)

- (1) The Oregon Health Authority may discipline an individual or organization if it finds by a preponderance of the evidence that the community practitioner failed to exercise community practitioner privileges in a reasonable manner or failed to fulfill the duties under OAR 333-333-XXX4 in a reasonable and diligent manner;
- (2) The disciplinary authority of the Oregon Health Authority includes the authority to suspend or revoke community practitioner privileges in part or in full.
- (3) If the authority revokes or suspends only the community practitioner privileges of a license holder, but not the whole license, the license holder may continue to work or operate or produce without the use of community practitioner privileges.
- (4) Nothing in this section shall limit the authority of OHA to discipline a license holder.
- (5) The authority may discipline a facilitator, manufacturer, or service center that utilizes community practitioner privileges without authorization.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c); ORS 475A.420, ORS 475A.425; 475A.610; ORS 475A.650; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c); 475A.610; ORS 475A.650; ORS 475A.205(1)(c)

MISCELLANEOUS (OAR 333-333-XX10)

- (1) When assessing the initial licensing fee for a service center or manufacturer that has received community practitioner privileges, the Oregon Health Authority shall assess a fee not greater than \$1,000. Licensing renewal fees for service centers or manufacturers who hold community practitioner privileges shall be assessed at 2.5% of the licensee's net income from the prior taxable year.
- (2) When assessing the initial licensing fee for a facilitator who has received community practitioner privileges, the Oregon Health Authority shall assess a fee not greater than \$250. Licensing renewal fees for community facilitators who spend at least 50% of their practice facilitating at community service centers shall be assessed that at 2.5% of the licensee's net income from the prior taxable year.

Statutory Authority: ORS 475A.235(2)(b)(C)-(c), (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594; ORS 475A.205(1)(c)

Statutes Implemented: ORS 475A.235(2)(b)(C)-(c), (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594; ORS 475A.205(1)(c)