

# **FAQs: Mental Health & Substance Use Education** **(MHSU) Credit**

## **What rules have changed and when do the new rules take effect?**

We have not changed any rules related to this. Instead, the MCLE Committee has provided guidance to the Department regarding approving courses for mental health and substance use education credit.

### Background

The MCLE Department became aware of a potential discrepancy between the way that the staff understand the Rules of Licensure related to mental health and substance use education MCLE credit and the way that some members and sponsors understood the rules.

When this new requirement was added to the MCLE Rules and Regulations in 2018, it was intended to increase lawyer's awareness of the prevalence of mental health and substance use issues within the profession. The proposal was raised by the Professional Liability Fund Oregon Attorney Assistance Program (OAAP). OAAP referenced the [National Task Force on Lawyer Well-Being Report](#) from the American Bar Association that found our profession to be falling short when it comes to well-being. In order to be a good lawyer, the report argues, one has to be a healthy lawyer. The MCLE Committee, Board of Governors, and ultimately the Supreme Court approved adding the 1-hour requirement to the MCLE Rules and Regulations.

The MCLE Department began to accredit programs under these new rules below. Please note, to prevent confusion, these are in the current Rules of Licensure format and not the former MCLE Rules and Regulation format.

Rule 8.1(1)(d) of the Rules of Licensure reads:

For all active members, one hour shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect an active member's ability to practice law or represent clients pursuant to RL 9.8(3).

Rule 9.8(3) goes on to state:

To be accredited as a program in mental health and substance use, a program must be devoted to educating members about mental health in relation to legal practice or to the causes, detection, response, treatment, or prevention related to substance use related in relation to legal practice.

The MCLE Department staff has been accrediting programs that discuss mental health and substance use issues that affect the attorney or LP themselves or that relate back to the legal profession. If a program discusses mental health or substance use issues in general without relating it back to the legal profession or to the attorney or LP, we have not granted mental health and substance use education credit and instead have granted general credits.

A number of members and sponsors reached out to us this past year with questions regarding this rule. These members and sponsors believe that we should be granting mental health and substance use education credit for courses that discuss mental health or substance use issues that clients are facing as well. The argument being that these topics do relate back to the legal profession because attorneys and LPs cannot adequately represent their clients without understanding the issues that they are facing.

The MCLE Committee reviewed this topic at the December 2024 MCLE Committee meeting. After discussion regarding the intentions of the original rule, and the potential benefits of interpreting the rule more broadly, the Committee decided to allow the Department to grant credit for courses that discuss mental health or substance use issues facing both attorney and LPs and their clients.

If you have a course that you would like us to take another look at for potential re-accreditation of mental health and substance use education credit or have any questions about this change in policy, please reach out to us at [mcle@osbar.org](mailto:mcle@osbar.org).