

HOUSE AMENDMENTS TO HOUSE BILL 2687

By COMMITTEE ON HUMAN SERVICES AND WOMEN'S WELLNESS

April 18

1 On page 1 of the printed bill, line 3, after "430.010" insert ", 675.745, 675.825".

2 In line 13, after "and" delete the rest of the line and lines 14 through 16 and insert "subject to
3 the provisions of ORS 743.556."

4 On page 2, after line 15, insert:

5 "**SECTION 4.** ORS 675.745 is amended to read:

6 "675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny,
7 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon
8 proof that the applicant for licensure or the licensee:

9 "(a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or
10 territory or against the federal government that brings into question the competence of the licensee
11 in the role of a counselor or a therapist;

12 "(b) Is unable to perform the practice of professional counseling or marriage and family therapy
13 by reason of mental illness, physical illness, drug addiction or alcohol abuse;

14 "(c) Has been grossly negligent in the practice of professional counseling or marriage and family
15 therapy;

16 "(d) Has violated one or more of the rules of the board pertaining to the licensure of profes-
17 sional counselors or licensed marriage and family therapists;

18 "(e) Has failed to file a professional disclosure statement or has filed a false, incomplete or
19 misleading professional disclosure statement;

20 "(f) Has practiced outside the scope of activities, including administering, constructing or in-
21 terpreting tests, for which the licensee has individual training and qualification; or

22 "(g) Has been disciplined by a state mental health licensing board or program in this or any
23 other state for violation of competency or conduct standards.

24 "(2)(a) The board may reprimand or impose probation on a licensee or an intern registered under
25 ORS 675.720 upon proof of any of the grounds for discipline provided in subsection (1) of this section.

26 "(b) If the board elects to place a licensee or a registered intern on probation, the board may
27 impose:

28 "(A) Restrictions on the scope of practice of the licensee or intern;

29 "(B) Requirements for specific training;

30 "(C) Supervision of the practice of the licensee or intern; or

31 "(D) Other conditions the board finds necessary for the protection of the public.

32 "(3) The board may initiate action against persons violating any provision of ORS 675.715 to
33 675.835 or any rules adopted by the board.

34 "(4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than [~~\$1,000~~]
35 **\$2,500** for each violation of subsection (1) or (2) of this section.

1 “(5) Information that the board obtains as part of an investigation into licensee or applicant
2 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
3 licensee or applicant conduct is confidential as provided under ORS 676.175.

4 “(6) In addition to the actions authorized by subsections (1) and (2) of this section, the board
5 may take such disciplinary action as the board in its discretion finds proper, including but not lim-
6 ited to the assessment of the costs of the disciplinary process.

7 “(7)(a) **The board shall employ one or more persons to perform investigations and to aid
8 in the enforcement of ORS 675.715 to 675.835 and rules adopted by the board.**

9 “(b) **A person employed by the board under this subsection may not be a member of the
10 board or engaged in a practice regulated by ORS 675.715 to 675.835.**

11 “**SECTION 5.** ORS 675.825 is amended to read:

12 “675.825. (1) [No] A person [shall] **may not:**

13 “(a) Attempt to obtain or obtain a license or renewal [thereof] **of a license** by bribery or
14 fraudulent representation.

15 “(b) Purport to the public to be engaged in the practice of professional counseling under the title
16 ‘licensed professional counselor’ unless the person possesses a valid license to practice professional
17 counseling as provided in ORS 675.715 to 675.835.

18 “(c) Purport to the public to be engaged in the practice of marriage and family therapy under
19 the title of ‘licensed marriage and family therapist’ unless the person possesses a valid license to
20 practice marriage and family therapy as provided in ORS 675.715 to 675.835.

21 “[2) *Nothing in ORS 675.715 to 675.835 is intended to limit or prevent the practice of an individ-
22 ual’s profession or to restrict a person from providing counseling services or marriage and family
23 therapy if the person or individual does not represent to the public by title that the person or individual
24 is a licensed professional counselor or licensed marriage and family therapist. The prohibition on the
25 use of the title marriage and family therapist does not apply to a registered or licensed clinical social
26 worker or licensed psychologist whose registration or license was issued prior to October 1, 1991.*]

27 “(2)(a) **A person who is not licensed under ORS 675.715 to 675.835 may not, for the pur-
28 pose of promoting or advertising mental health services offered to the public by the person,
29 use the title, or any part of the title, ‘licensed professional counselor’ or ‘licensed marriage
30 and family therapist.’**

31 “(b) **The prohibition in this subsection does not apply to:**

32 “(A) **Use of the title ‘licensed marriage and family therapist’ by a registered or licensed
33 clinical social worker or licensed psychologist whose registration or license was issued prior
34 to October 1, 1991.**

35 “(B) **Use of the term ‘counselor,’ ‘counseling,’ ‘therapy’ or ‘therapist’ by a mental health
36 provider who is licensed and regulated by an Oregon professional licensing board.**

37 “(3) Each violation of this section is a separate violation.

38 “(4) The Oregon Board of Licensed Professional Counselors and Therapists may levy a civil
39 penalty not to exceed [,\$1,000] **\$2,500** for each separate violation.”.

40 In line 16, delete “4” and insert “6”.

41 On page 5, line 1, delete “5” and insert “7”.

42 In line 30, delete “6” and insert “8”.

43 On page 6, line 15, delete “7” and insert “9”.

44 In line 45, delete “8” and insert “10”.

45 On page 7, line 1, delete “to 7” and insert “and 6 to 9”.

