

House Bill 2506

Sponsored by Representatives BUCKLEY, TOMEI; Representatives BOONE, ESQUIVEL, GELSER, KOTEK, MAURER, NATHANSON, RILEY, STIEGLER, Senators BATES, MORRISSETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health plans to cover services of professional counselors and marriage and family therapists if certain other services are covered by plan. Prohibits practice of professional counseling or marriage and family therapy without license.

A BILL FOR AN ACT

1
2 Relating to persons subject to regulation by Oregon Board of Licensed Professional Counselors and
3 Therapists; creating new provisions; and amending ORS 430.010, 675.705, 675.720, 675.745,
4 675.825, 675.835, 743A.168 and 750.333.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 743.**

7 **SECTION 2. (1) If a health benefit plan, as defined in ORS 743.730, provides for coverage**
8 **for services performed by a clinical social worker or nurse practitioner, the plan also must**
9 **cover services provided by a professional counselor or marriage and family therapist licensed**
10 **under ORS 675.715 to 675.835 when the counselor or therapist is acting within the counselor's**
11 **or therapist's lawful scope of practice.**

12 **(2) The provisions of ORS 743A.001 do not apply to this section.**

13 **SECTION 3. ORS 430.010 is amended to read:**

14 430.010. As used in ORS 430.010 to 430.050, 430.140 to 430.170, 430.265, 430.270 and 430.610 to
15 430.695:

16 (1) "Department" means the Department of Human Services.

17 (2) "Health facility" means a facility licensed as required by ORS 441.015 or a facility accredited
18 by the Joint Commission on Accreditation of Hospitals, either of which provides full-day or part-day
19 acute treatment for alcoholism, drug addiction or mental or emotional disturbance, and is licensed
20 to admit persons requiring 24-hour nursing care.

21 (3) "Residential facility" or "day or partial hospitalization program" means a program or facility
22 providing an organized full-day or part-day program of treatment. Such a program or facility shall
23 be licensed, approved, established, maintained, contracted with or operated by the department under:

24 (a) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

25 (b) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

26 (c) ORS 430.610 to 430.880 for mental or emotional disturbances.

27 (4) "Outpatient service" means:

28 (a) A program or service providing treatment by appointment and by:

29 **(A) Medical or osteopathic physicians licensed by the Oregon Medical Board under ORS 677.010**
30 **to 677.450;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Psychologists licensed by the State Board of Psychologist Examiners under ORS 675.010 to
2 675.150;

3 (C) Nurse practitioners registered by the Oregon State Board of Nursing under ORS 678.010 to
4 678.410; [or]

5 (D) Clinical social workers licensed by the State Board of Clinical Social Workers under ORS
6 675.510 to 675.600; or

7 (E) **Professional counselors or marriage and family therapists licensed by the Oregon
8 Board of Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835; or**

9 (b) A program or service providing treatment by appointment that is licensed, approved, estab-
10 lished, maintained, contracted with or operated by the department under:

11 (A) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

12 (B) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

13 (C) ORS 430.610 to 430.880 for mental or emotional disturbances.

14 **SECTION 4.** ORS 675.705 is amended to read:

15 675.705. As used in ORS 675.715 to 675.835:

16 [(1) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.]

17 [(2)] (1) "Licensed marriage and family therapist" means a person to whom a license has been
18 issued under ORS 675.715.

19 [(3)] (2) "Licensed professional counselor" means a person issued a license under ORS 675.715.

20 [(4)] (3) "Licensee" means a licensed professional counselor or a licensed marriage and family
21 therapist.

22 [(5)] (4)(a) "Marriage and family therapy" means the identification and treatment of cognitive,
23 affective and behavioral conditions as symptoms of marital and familial relational dysfunctions.

24 (b) "Marriage and family therapy" involves the professional application of psychotherapeutic
25 and family systems theories and techniques in the delivery of services to individuals, marital pairs
26 and families, and record keeping activities, including documentation of counseling treatment or
27 therapeutic services.

28 [(6)] (5)(a) "Professional counseling" means counseling services provided to individuals, couples,
29 families, children, groups, organizations or the general public through the therapeutic relationship,
30 developing understanding of personal problems, defining goals and planning action reflecting inter-
31 ests, abilities, aptitudes and needs as these relate to problems and concerns in personal, social, ed-
32 ucational, rehabilitation and career adjustments.

33 (b) "Professional counseling" [includes, but is not limited to] **may involve:**

34 [(a)] (A) Application of counseling theories and techniques designed to assist clients with cur-
35 rent or potential problems and to facilitate change in thinking, feeling and behaving.

36 [(b)] (B) Research activities including reporting, designing, conducting or consulting on research
37 in counseling with human subjects.

38 [(c)] (C) Referral activities including the referral to other specialists.

39 [(d)] (D) Consulting activities [which] **that** apply counseling procedures and interpersonal skills
40 to provide assistance in solving problems that a client may have in relation to an individual, group
41 or organization.

42 [(e)] (E) Record keeping activities, including documentation of counseling treatment or
43 therapeutic services.

44 [(7)] (6) "Registered intern" means an applicant for licensure who is registered to obtain post-
45 degree supervised work experience toward licensure according to an approved plan pursuant to ORS

1 675.720.

2 **SECTION 5.** ORS 675.720 is amended to read:

3 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-
4 quired by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of
5 Licensed Professional Counselors and Therapists that the applicant has the required supervised
6 clinical work experience, the applicant must register an internship plan to obtain acceptable post-
7 degree supervised work experience to qualify for a license as a professional counselor or as a mar-
8 riage and family therapist.

9 (2) To register as a professional counselor intern or as a marriage and family therapist intern
10 under this section, the applicant shall submit in the form and manner determined by the board:

11 (a) A request for registration; and

12 (b) A plan to obtain or complete the supervised clinical work experience required for licensure.

13 (3) The board shall register the applicant as an intern upon receipt and approval of the com-
14 pleted request and plan [as] required in subsection (2) of this section.

15 (4)(a) A registered intern [shall] **must** renew the certificate of registration annually on or before
16 the first day of the month in which the board approved the initial registration. To renew a certif-
17 icate of registration, a registered intern shall:

18 (A) Submit a renewal application in the form and manner established by the board accompanied
19 by a renewal fee pursuant to ORS 675.785; and

20 (B) Document fulfillment of all other requirements established by the board by rule.

21 (b) Failure to renew a registration within 30 days of the annual renewal date [shall terminate]
22 **terminates** the registration and the application for licensure.

23 (5) Registered interns are subject to all ethical standards adopted by the board.

24 **SECTION 6. Section 7 of this 2009 Act is added to and made a part of ORS 675.715 to**
25 **675.835.**

26 **SECTION 7. A licensee shall practice under one of the following names:**

27 (1) **The name of the licensee.**

28 (2) **An assumed business name or other designation that describes a place, institution,**
29 **organization or agency where or in connection with which the licensee conducts practice.**

30 **SECTION 8.** ORS 675.745 is amended to read:

31 675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny,
32 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon
33 proof that the applicant for licensure or the licensee:

34 (a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or ter-
35 ritory or against the federal government that brings into question the competence of the licensee
36 in the role of a counselor or a therapist;

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

39 (c) Has been grossly negligent in the practice of professional counseling or marriage and family
40 therapy;

41 (d) Has violated one or more of the rules of the board pertaining to the licensure of professional
42 counselors or licensed marriage and family therapists;

43 (e) Has failed to file a professional disclosure statement or has filed a false, incomplete or mis-
44 leading professional disclosure statement;

45 (f) Has practiced outside the scope of activities, including administering, constructing or inter-

1 preting tests, for which the licensee has individual training and qualification; or

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

4 (2)(a) The board may reprimand or impose probation on a licensee or [*an intern registered under*
5 *ORS 675.720*] **a registered intern** upon proof of any of the grounds for discipline provided in sub-
6 section (1) of this section.

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

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

10 (B) Requirements for specific training;

11 (C) Supervision of the practice of the licensee or intern; or

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

13 (3) The board may initiate action against persons violating any provision of ORS 675.715 to
14 675.835 or any rules adopted by the board.

15 (4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than [*\$1,000*]
16 **\$2,500** for each [*violation of subsection (1) or (2) of this section*] **ground for discipline listed in**
17 **subsection (1) of this section found by the board.**

18 (5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than **\$2,500**
19 **for each violation of or failure to observe any limitation or condition imposed by the board**
20 **on the licensee's or registered intern's practice under subsection (2) of this section.**

21 [(5)] (6) Information that the board obtains as part of an investigation into licensee or applicant
22 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
23 licensee or applicant conduct is confidential as provided under ORS 676.175.

24 [(6)] (7) In addition to the actions authorized by subsections (1) and (2) of this section, the board
25 may take such disciplinary action as the board in its discretion finds proper, including but not lim-
26 ited to the assessment of the costs of the disciplinary process.

27 **SECTION 9.** ORS 675.825 is amended to read:

28 675.825. (1) [*No*] **A person [shall] may not:**

29 (a) Attempt to obtain or obtain a license or **license** renewal [*thereof*] by bribery or fraudulent
30 representation.

31 (b) **Engage in or** purport to the public to be engaged in the practice of professional counseling
32 under the title "licensed professional counselor" unless the person [*possesses a valid license to*
33 *practice professional counseling as provided in ORS 675.715 to 675.835.*] **is a licensee or a registered**
34 **intern.**

35 (c) **Engage in or** purport to the public to be engaged in the practice of marriage and family
36 therapy under the title of "licensed marriage and family therapist" unless the person [*possesses a*
37 *valid license to practice marriage and family therapy as provided in ORS 675.715 to 675.835.*] **is a**
38 **licensee or a registered intern.**

39 (d) **Engage in the practice of professional counseling or marriage and family therapy**
40 **unless:**

41 (A) **The person is a licensee or registered intern; or**

42 (B) **The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by**
43 **subsection (3) of this section.**

44 (e) **Practice professional counseling or marriage and family therapy as part of a person's**
45 **practice in psychology, psychiatry, clinical social work or psychiatric nursing or part of a**

1 **practice otherwise exempt from the licensing requirements of ORS 675.715 to 675.835 under**
 2 **subsection (3) of this section, if the person has been disciplined by a health professional**
 3 **regulatory board, as that term is defined in ORS 676.160, for engaging in sexual activity with**
 4 **a client.**

5 *[(2) Nothing in ORS 675.715 to 675.835 is intended to limit or prevent the practice of an individ-*
 6 *ual's profession or to restrict a person from providing counseling services or marriage and family*
 7 *therapy if the person or individual does not represent to the public by title that the person or individual*
 8 *is a licensed professional counselor or licensed marriage and family therapist.]*

9 **(2) [The prohibition on the use of the title marriage and family therapist does not apply to] A**
 10 **registered or licensed clinical social worker or licensed psychologist whose registration or license**
 11 **was issued prior to October 1, 1991, may use the title “marriage and family therapist.”**

12 **(3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:**

13 **(a) Engaged in the sole practice of alternative forms of mental or emotional therapy or**
 14 **counseling, such as mind-body intervention, integrated energy therapies or process therapy.**

15 **(b) Licensed, certified, registered or similarly regulated under the laws of this state and**
 16 **who is performing duties within the authorized scope of practice of the license, certification,**
 17 **registration or regulation.**

18 **(c) A recognized member of the clergy, provided that the person is acting in the person’s**
 19 **ministerial capacity.**

20 **(d) Employed by a local, state or federal government agency, or employed by a commu-**
 21 **nity mental health program, gambling addiction program or drug and alcohol treatment**
 22 **program licensed or certified by the State of Oregon, provided that the person’s activities**
 23 **constituting professional counseling or marriage and family therapy are performed within:**

24 **(A) The individual’s scope of employment; and**

25 **(B) The confines of the employing agency.**

26 *[(3)]* **(4) Each violation of this section is a separate violation.**

27 *[(4)]* **(5) The Oregon Board of Licensed Professional Counselors and Therapists may levy a civil**
 28 **penalty not to exceed [~~\$1,000~~] \$2,500 for each separate violation of this section.**

29 **SECTION 10.** ORS 675.835 is amended to read:

30 675.835. (1) The Oregon Board of Licensed Professional Counselors and Therapists may com-
 31 mence injunction proceedings in any circuit court to enjoin violation of ORS 675.825.

32 (2) In proceedings under this section, the board need not show that any person is injured by the
 33 person against whom the injunction is sought.

34 (3)(a) If the person against whom an injunction is sought under this section is found by the
 35 court to have unlawfully used the title “licensed professional counselor” or “licensed marriage and
 36 family therapist,” a court may grant an injunction barring *[such practice.]* **the person from using**
 37 **the title.**

38 **(b) If the person against whom an injunction is sought under this section is found by the**
 39 **court to have unlawfully engaged in the practice of professional counseling or marriage and**
 40 **family therapy, a court may grant an injunction barring the person from engaging in the**
 41 **unlawful practice.**

42 (4) An injunction under this section is in addition to any other remedies or penalties provided
 43 by law.

44 **SECTION 11.** ORS 743A.168 is amended to read:

45 743A.168. A group health insurance policy providing coverage for hospital or medical expenses

1 shall provide coverage for expenses arising from treatment for chemical dependency, including
 2 alcoholism, and for mental or nervous conditions at the same level as, and subject to limitations no
 3 more restrictive than, those imposed on coverage or reimbursement of expenses arising from treat-
 4 ment for other medical conditions. The following apply to coverage for chemical dependency and for
 5 mental or nervous conditions:

6 (1) As used in this section:

7 (a) "Chemical dependency" means the addictive relationship with any drug or alcohol charac-
 8 terized by a physical or psychological relationship, or both, that interferes on a recurring basis with
 9 the individual's social, psychological or physical adjustment to common problems. For purposes of
 10 this section, "chemical dependency" does not include addiction to, or dependency on, tobacco, to-
 11 bacco products or foods.

12 (b) "Facility" means a corporate or governmental entity or other provider of services for the
 13 treatment of chemical dependency or for the treatment of mental or nervous conditions.

14 (c) "Group health insurer" means an insurer, a health maintenance organization or a health care
 15 service contractor.

16 (d) "Program" means a particular type or level of service that is organizationally distinct within
 17 a facility.

18 (e) "Provider" means a person that has met the credentialing requirement of a group health
 19 insurer, is otherwise eligible to receive reimbursement for coverage under the policy and is:

20 (A) A health care facility;

21 (B) A residential program or facility;

22 (C) A day or partial hospitalization program;

23 (D) An outpatient service; or

24 (E) An individual behavioral health or medical professional authorized for reimbursement under
 25 Oregon law.

26 (2) The coverage may be made subject to provisions of the policy that apply to other benefits
 27 under the policy, including but not limited to provisions relating to deductibles and coinsurance.
 28 Deductibles and coinsurance for treatment in health care facilities or residential programs or facil-
 29 ities may not be greater than those under the policy for expenses of hospitalization in the treatment
 30 of other medical conditions. Deductibles and coinsurance for outpatient treatment may not be
 31 greater than those under the policy for expenses of outpatient treatment of other medical conditions.

32 (3) The coverage may not be made subject to treatment limitations, limits on total payments for
 33 treatment, limits on duration of treatment or financial requirements unless similar limitations or
 34 requirements are imposed on coverage of other medical conditions. The coverage of eligible expenses
 35 may be limited to treatment that is medically necessary as determined under the policy for other
 36 medical conditions.

37 (4)(a) Nothing in this section requires coverage for:

38 (A) Educational or correctional services or sheltered living provided by a school or halfway
 39 house;

40 (B) A long-term residential mental health program that lasts longer than 45 days;

41 (C) Psychoanalysis or psychotherapy received as part of an educational or training program,
 42 regardless of diagnosis or symptoms that may be present;

43 (D) A court-ordered sex offender treatment program; or

44 (E) A screening interview or treatment program under ORS 813.021.

45 (b) Notwithstanding paragraph (a)(A) of this subsection, an insured may receive covered outpa-

1 tient services under the terms of the insured's policy while the insured is living temporarily in a
 2 sheltered living situation.

3 (5) A provider is eligible for reimbursement under this section if:

4 (a) The provider is approved by the Department of Human Services;

5 (b) The provider is accredited for the particular level of care for which reimbursement is being
 6 requested by the Joint Commission on Accreditation of Hospitals or the Commission on Accredi-
 7 tation of Rehabilitation Facilities;

8 (c) The patient is staying overnight at the facility and is involved in a structured program at
 9 least eight hours per day, five days per week; or

10 (d) The provider is providing a covered benefit under the policy.

11 (6) Payments may not be made under this section for support groups.

12 (7) If specified in the policy, outpatient coverage may include follow-up in-home service or out-
 13 patient services. The policy may limit coverage for in-home service to persons who are homebound
 14 under the care of a physician.

15 (8) Nothing in this section prohibits a group health insurer from managing the provision of
 16 benefits through common methods, including but not limited to selectively contracted panels, health
 17 plan benefit differential designs, preadmission screening, prior authorization of services, utilization
 18 review or other mechanisms designed to limit eligible expenses to those described in subsection (3)
 19 of this section.

20 (9) The Legislative Assembly has found that health care cost containment is necessary and in-
 21 tends to encourage insurance policies designed to achieve cost containment by ensuring that re-
 22 imbursement is limited to appropriate utilization under criteria incorporated into such policies,
 23 either directly or by reference.

24 (10)(a) Subject to the patient or client confidentiality provisions of ORS 40.235 relating to phy-
 25 sicians, ORS 40.240 relating to nurse practitioners, ORS 40.230 relating to psychologists[*and*], ORS
 26 40.250 and 675.580 relating to licensed clinical social workers[,] **and ORS 40.262 relating to li-**
 27 **icensed professional counselors and licensed marriage and family therapists**, a group health
 28 insurer may provide for review for level of treatment of admissions and continued stays for treat-
 29 ment in health care facilities, residential programs or facilities, day or partial hospitalization pro-
 30 grams and outpatient services by either group health insurer staff or personnel under contract to
 31 the group health insurer, or by a utilization review contractor, who shall have the authority to
 32 certify for or deny level of payment.

33 (b) Review shall be made according to criteria made available to providers in advance upon re-
 34 quest.

35 (c) Review shall be performed by or under the direction of a medical or osteopathic physician
 36 licensed by the Oregon Medical Board, a psychologist licensed by the State Board of Psychologist
 37 Examiners[*or*], a clinical social worker licensed by the State Board of Clinical Social Workers[,]
 38 **or a professional counselor or marriage and family therapist licensed by the Oregon Board**
 39 **of Licensed Professional Counselors and Therapists**, in accordance with standards of the Na-
 40 tional Committee for Quality Assurance or Medicare review standards of the Centers for Medicare
 41 and Medicaid Services.

42 (d) Review may involve prior approval, concurrent review of the continuation of treatment,
 43 post-treatment review or any combination of these. However, if prior approval is required, provision
 44 shall be made to allow for payment of urgent or emergency admissions, subject to subsequent re-
 45 view. If prior approval is not required, group health insurers shall permit providers, policyholders

1 or persons acting on their behalf to make advance inquiries regarding the appropriateness of a
 2 particular admission to a treatment program. Group health insurers shall provide a timely response
 3 to such inquiries. Noncontracting providers must cooperate with these procedures to the same ex-
 4 tent as contracting providers to be eligible for reimbursement.

5 (11) Health maintenance organizations may limit the receipt of covered services by enrollees to
 6 services provided by or upon referral by providers contracting with the health maintenance organ-
 7 ization. Health maintenance organizations and health care service contractors may create substan-
 8 tive plan benefit and reimbursement differentials at the same level as, and subject to limitations no
 9 more restrictive than, those imposed on coverage or reimbursement of expenses arising out of other
 10 medical conditions and apply them to contracting and noncontracting providers.

11 (12) Nothing in this section prevents a group health insurer from contracting with providers of
 12 health care services to furnish services to policyholders or certificate holders according to ORS
 13 743.531 or 750.005, subject to the following conditions:

14 (a) A group health insurer is not required to contract with all eligible providers.

15 (b) An insurer or health care service contractor shall, subject to subsections (2) and (3) of this
 16 section, pay benefits toward the covered charges of noncontracting providers of services for the
 17 treatment of chemical dependency or mental or nervous conditions. The insured shall, subject to
 18 subsections (2) and (3) of this section, have the right to use the services of a noncontracting provider
 19 of services for the treatment of chemical dependency or mental or nervous conditions, whether or
 20 not the services for chemical dependency or mental or nervous conditions are provided by con-
 21 tracting or noncontracting providers.

22 (13) The intent of the Legislative Assembly in adopting this section is to reserve benefits for
 23 different types of care to encourage cost effective care and to ensure continuing access to levels
 24 of care most appropriate for the insured's condition and progress.

25 (14) The Director of the Department of Consumer and Business Services, after notice and hear-
 26 ing, may adopt reasonable rules not inconsistent with this section that are considered necessary for
 27 the proper administration of these provisions.

28 **SECTION 12.** ORS 750.333, as amended by section 8, chapter 137, Oregon Laws 2003, section
 29 4, chapter 263, Oregon Laws 2003, section 3, chapter 446, Oregon Laws 2003, section 6, chapter 418,
 30 Oregon Laws 2005, section 12, chapter 182, Oregon Laws 2007, section 9, chapter 313, Oregon Laws
 31 2007, section 7, chapter 504, Oregon Laws 2007, section 7, chapter 566, Oregon Laws 2007, section
 32 7, chapter 872, Oregon Laws 2007, and section 9, chapter 22, Oregon Laws 2008, is amended to read:

33 750.333. (1) The following provisions of the Insurance Code apply to trusts carrying out a mul-
 34 tiple employer welfare arrangement:

35 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,
 36 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
 37 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652 and 731.804 to 731.992.

38 (b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

39 (c) ORS chapter 734.

40 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

41 (e) ORS 743.028, 743.053, 743.524, 743.526, 743.527, 743.528, 743.529, 743.530, 743.560, 743.562,
 42 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773 (except 743.760 to 743.773), 743.801, 743.804,
 43 743.807, 743.808, 743.814 to 743.839, 743.842, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858,
 44 743.859, 743.861, 743.862, 743.863, 743.864, 743A.012, 743A.064, 743A.080, 743A.100, 743A.104, 743A.110
 45 and 743A.184 and **section 2 of this 2009 Act.**

1 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048,
 2 743A.066, 743A.068, 743A.084, 743A.088, 743A.090, 743A.140, 743A.148, 743A.168, 743A.180 and
 3 743A.190. Multiple employer welfare arrangements to which ORS 743.730 to 743.773 apply are sub-
 4 ject to the sections referred to in this paragraph only as provided in ORS 743.730 to 743.773.

5 (g) Provisions of ORS chapter 744 relating to the regulation of insurance producers and insur-
 6 ance consultants, and ORS 744.700 to 744.740.

7 (h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

8 (i) ORS 731.592 and 731.594.

9 (j) Section 2, chapter 22, Oregon Laws 2008.

10 (2) For the purposes of this section:

11 (a) A trust carrying out a multiple employer welfare arrangement shall be considered an insurer.

12 (b) References to certificates of authority shall be considered references to certificates of mul-
 13 tiple employer welfare arrangement.

14 (c) Contributions shall be considered premiums.

15 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be considered to be the
 16 transaction of health insurance.

17 **SECTION 13.** (1) A person engaged in professional counseling or marriage and family
 18 therapy on the effective date of this 2009 Act who is not licensed under ORS 675.715 to 675.835
 19 or exempted from the provisions of ORS 675.715 to 675.835 by ORS 675.825 may continue to
 20 engage in the practice of professional counseling or marriage and family therapy if the per-
 21 son applies on or before January 1, 2013, for:

22 (a) A license to practice professional counseling or marriage and family therapy; or

23 (b) A registered internship.

24 (2) A person may continue to engage in the practice of professional counseling or mar-
 25 riage and family therapy as authorized by subsection (1) of this section until the board makes
 26 a final determination whether to issue a license to the person or to approve the person's
 27 request for registered internship.

28 (3) Subsection (2) of this section applies to persons who:

29 (a) Have received a graduate degree;

30 (b) Have not fulfilled the supervised hours or other educational requirements for
 31 licensure as a professional counselor or marriage and family therapist; and

32 (c) Are otherwise eligible to receive a license or registered internship.

33 (4)(a) A person practicing professional counseling under this section without a license or
 34 registered internship shall provide a written statement to all patients treated by the person
 35 that the person is not a licensed professional counselor or registered intern.

36 (b) A person practicing marriage and family therapy under this section without a license
 37 or registered internship shall provide a written statement to all patients treated by the per-
 38 son that the person is not a licensed marriage and family therapist or registered intern.

39 **SECTION 14.** Section 13 of this 2009 Act is repealed on January 2, 2014.

40 **SECTION 15.** Section 2 of this 2009 Act and the amendments to ORS 430.010, 743A.168 and
 41 750.333 by sections 3, 11 and 12 of this 2009 Act apply to health benefit plan policies issued
 42 or renewed on or after January 1, 2010.