

House Bill 2065

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Board of Licensed Professional Counselors and Therapists)

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**.

Modifies definitions and other provisions relating to regulation of licensed professional counselors and marriage and family therapists.

A BILL FOR AN ACT

1
2 Relating to the Oregon Board of Licensed Professional Counselors and Therapists; amending ORS
3 675.705, 675.715, 675.720 and 675.825.

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

5 **SECTION 1.** ORS 675.705 is amended to read:

6 675.705. As used in ORS 675.715 to 675.835:

7 (1) "Assessment" means assessment under standards developed by a national body responsible
8 for accrediting graduate training programs in clinical counseling for professional counselors or in
9 marriage and family therapy for marriage and family therapists.

10 (2) "**Clinical experience**" means the professional practice of applying principles and
11 methods to provide assessment, diagnosis and treatment of mental health disorders to indi-
12 viduals and families.

13 [(2)] (3) "Licensed marriage and family therapist" means a person to whom a license has been
14 issued under ORS 675.715.

15 [(3)] (4) "Licensed professional counselor" means a person issued a license under ORS 675.715.

16 [(4)] (5) "Licensee" means a licensed professional counselor or a licensed marriage and family
17 therapist.

18 [(5)(a)] (6)(a) "Marriage and family therapy" means the *[assessment, diagnosis and treatment of]*
19 **application of marriage and family therapy strategies for the purpose of assessing, diagnosing**
20 **and treating** mental, emotional and behavioral disorders *[within the context of marriage and family*
21 *systems involving the application of psychotherapeutic and family systems theories and techniques in*
22 *the delivery of services to]* **in** individuals, couples *[and]*, families, **groups and organizations**.

23 (b) "Marriage and family therapy" may include, but is not limited to:

24 (A) Application of **psychotherapeutic, family systems or** counseling *[techniques]* **strategies**
25 for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, at-
26 titudes, behaviors and interactional processes in the area of human relationships and family life;

27 (B) Research activities, including reporting, designing or conducting research in marriage and
28 family therapy with human subjects;

29 (C) Referral activities, including the referral to other specialists when indicated to provide eth-
30 ical treatment;

31 (D) Consulting activities that apply marriage and family therapy procedures to provide assist-

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 ance to organizations that support or enrich marriage and family life; and

2 (E) Record keeping activities, including documentation of counseling treatment, therapeutic
3 services and clinical supervision.

4 [(6)(a)] (7)(a) “Professional counseling” means the [assessment, diagnosis and treatment of] **ap-**
5 **plication of mental health counseling strategies for the purpose of assessing, diagnosing and**
6 **treating** mental, emotional and behavioral disorders [and the provision of counseling services to ad-
7 dress personal growth and wellness, provided through the therapeutic relationship to] **in** individuals,
8 couples, children, families, groups and organizations[, based on the principles of mental health, be-
9 havioral science including statistical analysis, human growth and development throughout the life span,
10 career development, group dynamics and cultural and social diversity, and using cognitive, affective,
11 behavioral and systemic intervention strategies].

12 (b) “Professional counseling” may include, but is not limited to:

13 (A) [Application of counseling theories and techniques designed to assist clients with current or
14 potential problems and to facilitate change in thinking, feeling and behaving] **Provision of counseling**
15 **services to address personal growth and wellness;**

16 (B) Definition of goals and the planning of action reflecting interests, abilities, aptitudes and
17 needs as they relate to problems, disabilities or concerns in personal, social, educational, rehabili-
18 tation and career adjustments;

19 (C) Research activities, including reporting, designing or conducting research in counseling with
20 human subjects;

21 (D) Referral activities, including the referral to other specialists when indicated to provide
22 ethical treatment;

23 (E) Consulting activities that apply counseling procedures and interpersonal skills to provide
24 assistance in solving problems relating to an individual, group or organization; and

25 (F) Record keeping activities, including documentation of counseling treatment, therapeutic
26 services and clinical supervision.

27 [(7)] (8) “Registered intern” means an applicant for licensure who is registered to obtain post-
28 degree supervised [work] **clinical** experience toward licensure according to an approved plan pur-
29 suant to ORS 675.720.

30 **SECTION 2.** ORS 675.715 is amended to read:

31 675.715. (1) In order to obtain a license as a professional counselor or a marriage and family
32 therapist, an applicant shall make application on a form and in such a manner as the Oregon Board
33 of Licensed Professional Counselors and Therapists prescribes, accompanied by the nonrefundable
34 fee established pursuant to ORS 675.785. The board shall issue a license as a professional counselor
35 or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the
36 board that the applicant [meets the following qualifications]:

37 [(1)] (a) Is not in violation of any of the provisions of ORS 675.715 to 675.835 and the rules
38 adopted by the board.

39 [(2)] (b) Has received:

40 [(a)] (A) A graduate degree in counseling in a program [approved by the Council for Accreditation
41 of Counseling and Related Educational Programs of the American Counseling Association] **accredited**
42 **by a national accrediting body approved by the board by rule** that includes training in the di-
43 agnosis of mental disorders;

44 [(b)] (B) A graduate degree in marriage and family therapy in a program [approved by the
45 Commission on Accreditation for Marriage and Family Therapy Education of the American Associ-

1 *ation for Marriage and Family Therapy*] **accredited by a national accrediting body approved by**
 2 **the board by rule** that includes training in the diagnosis of mental disorders;

3 [(c)] **(C)** A graduate degree, under standards explicitly adopted by the board by rule that is de-
 4 termined by the board to be comparable in both content and quality to a degree approved under
 5 [*paragraph (a) or (b)*] **subparagraph (A) or (B)** of this [*subsection*] **paragraph** and that includes
 6 training in the diagnosis of mental disorders; or

7 [(d)] **(D)** A graduate degree, determined by the board to meet at an acceptable level at least a
 8 majority of the board’s adopted degree standards and that includes training in the diagnosis of
 9 mental disorders, and has completed additional graduate training obtained in a counselor or mar-
 10 riage and family therapy program at an accredited college or university to meet the remainder of
 11 the standards.

12 [(3)] **(c)** At the time of application to become a licensed professional counselor, has a minimum
 13 of three years of full-time supervised clinical experience, or the equivalent, under a board-approved
 14 supervisor in a board-approved setting. One year of the supervised clinical experience may be ob-
 15 tained prior to the granting of the master’s degree.

16 [(4)] **(d)** At the time of application to become a licensed marriage and family therapist, has a
 17 minimum of three years of full-time **supervised** clinical [*work*] experience [*with supervision*], **or the**
 18 **equivalent**, in accordance with standards established by the board. At least 2,000 hours in the
 19 three-year period must be in the practice of marriage and family therapy in the presence of a client.

20 [(5)] **(e)** Demonstrates competence as a professional counselor or marriage and family therapist
 21 by passing an examination prescribed by the board as follows:

22 [(a)] **(A)** The examination for professional counselor license must include, but need not be lim-
 23 ited to, counseling theory, human growth and development, social and cultural foundations, the
 24 helping relationship, group dynamics, lifestyle and career development, appraisal of individuals, re-
 25 search and evaluation, professional orientation, ethics and Oregon law.

26 [(b)] **(B)** The examination for the marriage and family therapist license must include, but need
 27 not be limited to, marriage and family therapy theory, systems theory, appraisal of family relation-
 28 ships, normal individual and family development, research and evaluation, professional conduct,
 29 ethics and Oregon law.

30 [(6)] **(2)** An application that remains incomplete for one year from the date of the initial sub-
 31 mission to the board is considered to have been withdrawn by the applicant. Incomplete applications
 32 include, but are not limited to, applications lacking documentation, signatures or the payment of fees
 33 required by the board.

34 **SECTION 3.** ORS 675.720 is amended to read:

35 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-
 36 quired by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of
 37 Licensed Professional Counselors and Therapists that the applicant has the required supervised
 38 clinical [*work*] experience, the applicant must register an internship plan to obtain acceptable post-
 39 degree supervised [*work*] **clinical** experience to qualify for a license as a professional counselor or
 40 as a marriage and family therapist.

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

43 (a) A request for registration; and

44 (b) A plan to obtain or complete the supervised clinical [*work*] experience required for licensure.

45 (3) The board shall register the applicant as an intern upon receipt and approval of the com-

1 pleted request and plan required in subsection (2) of this section.

2 (4)(a) A registered intern must renew the certificate of registration annually on or before the
3 first day of the month in which the board approved the initial registration. To renew a certificate
4 of registration, a registered intern shall:

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

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

8 (b) Failure to renew a registration within 30 days of the annual renewal date terminates the
9 registration and the application for licensure.

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

11 **SECTION 4.** ORS 675.825 is amended to read:

12 675.825. (1) A person may not:

13 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent represen-
14 tation.

15 (b) Engage in or purport to the public to be engaged in the practice of professional counseling
16 under the title “[*licensed*] professional counselor” unless the person is a [*licensee*] **licensed profes-**
17 **sional counselor.**

18 (c) Engage in or purport to the public to be engaged in the practice of marriage and family
19 therapy under the title of “[*licensed*] marriage and family therapist” unless the person is a
20 [*licensee*] **licensed marriage and family therapist.**

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

22 (A) The person is a licensee, registered intern or graduate student pursuing a graduate degree
23 in counseling or marriage and family therapy; or

24 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-
25 section (3) of this section.

26 (e) Provide counseling or therapy services of a psychotherapeutic nature if the person’s license
27 to practice as a professional counselor or as a marriage and family therapist has been revoked by
28 the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged
29 in sexual activity with a client.

30 (2) A licensed psychologist whose license, or a regulated social worker whose authorization to
31 practice regulated social work, was issued prior to October 1, 1991, may use the title “marriage and
32 family therapist.”

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

34 (a) Licensed, certified, registered or similarly regulated under the laws of this state and who is
35 performing duties within the authorized scope of practice of the license, certification, registration
36 or regulation.

37 (b) A recognized member of the clergy, provided that the person is acting in the person’s
38 ministerial capacity.

39 (c) Employed by a local, state or federal agency or any agency licensed or certified by the state
40 to provide mental health, [*or*] health **or rehabilitation** services, if the person’s activities constitut-
41 ing professional counseling or marriage and family therapy are performed within the scope of the
42 person’s employment.

43 (d) Authorized to provide addiction treatment services under rules of the Department of Human
44 Services.

45 (4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person’s profession

1 or restricts a person from providing counseling, **therapy or mental health** services [*or services*
2 *related to marriage and family*] if the person[:]

3 [(a) *Does not meet the requirements of ORS 675.715 (2); or*]

4 [(b) *Does not practice:*]

5 [(A) *Marriage and family therapy as defined in ORS 675.705 (5)(a); or*]

6 [(B) *Professional counseling as defined in ORS 675.705 (6)(a)*] **does not assess, diagnose and**
7 **treat persons with mental health disorders as defined in the national standard diagnostic**
8 **manual.**

9 (5) Each violation of this section is a separate violation.

10 (6) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of this
11 section.

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