

D R A F T

SUMMARY

Permits minor 14 years of age or older to obtain, without parental knowledge or consent, outpatient diagnosis or treatment of mental or emotional disorder or chemical dependency from professional counselors and marriage and family therapists licensed by Oregon Board of Licensed Professional Counselors and Therapists. Exempts professional counselors and marriage and family therapists from civil liability for certain disclosures and provision of diagnosis or treatment to minors.

A BILL FOR AN ACT

1
2 Relating to provision of medical services to minors by persons licensed by
3 the Oregon Board of Licensed Professional Counselors and Therapists;
4 creating new provisions; and amending ORS 109.675, 109.680 and 109.685.

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

6 **SECTION 1.** ORS 109.675 is amended to read:

7 109.675. (1) A minor 14 years of age or older may obtain, without parental
8 knowledge or consent, outpatient diagnosis or treatment of a mental or
9 emotional disorder or a chemical dependency, excluding methadone mainte-
10 nance, by a physician licensed by the Oregon Medical Board, a psychologist
11 licensed by the State Board of Psychologist Examiners, a nurse practitioner
12 registered by the Oregon State Board of Nursing, a clinical social worker
13 licensed by the State Board of Licensed Social Workers, **a professional**
14 **counselor or marriage and family therapist licensed by the Oregon**
15 **Board of Licensed Professional Counselors and Therapists** or a commu-
16 nity mental health program established and operated pursuant to ORS
17 430.620 when approved to do so by the Oregon Health Authority pursuant to
18 rule.

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 (2) However, the person providing treatment shall have the parents of the
2 minor involved before the end of treatment unless the parents refuse or un-
3 less there are clear clinical indications to the contrary, which shall be doc-
4 umented in the treatment record. The provisions of this subsection do not
5 apply to:

6 (a) A minor who has been sexually abused by a parent; or

7 (b) An emancipated minor, whether emancipated under the provisions of
8 ORS 109.510 and 109.520 or 419B.550 to 419B.558 or, for the purpose of this
9 section only, emancipated by virtue of having lived apart from the parents
10 or legal guardian while being self-sustaining for a period of 90 days prior to
11 obtaining treatment as provided by this section.

12 **SECTION 2.** ORS 109.680 is amended to read:

13 109.680. A physician, psychologist, nurse practitioner, clinical social
14 worker licensed under ORS 675.530, **professional counselor or marriage**
15 **and family therapist licensed by the Oregon Board of Licensed Pro-**
16 **fessional Counselors and Therapists** or community mental health program
17 described in ORS 109.675 may advise the parent or parents or legal guardian
18 of any minor described in ORS 109.675 of the diagnosis or treatment when-
19 ever the disclosure is clinically appropriate and will serve the best interests
20 of the minor's treatment because the minor's condition has deteriorated or
21 the risk of a suicide attempt has become such that inpatient treatment is
22 necessary, or the minor's condition requires detoxification in a residential
23 or acute care facility. If such disclosure is made, the physician, psychologist,
24 nurse practitioner, clinical social worker licensed under ORS 675.530, **pro-**
25 **fessional counselor or marriage and family therapist licensed by the**
26 **Oregon Board of Licensed Professional Counselors and Therapists** or
27 community mental health program shall not be subject to any civil liability
28 for advising the parent, parents or legal guardian without the consent of the
29 minor.

30 **SECTION 3.** ORS 109.685 is amended to read:

31 109.685. A physician, psychologist, nurse practitioner, clinical social

1 worker licensed under ORS 675.530, **professional counselor or marriage**
2 **and family therapist licensed by the Oregon Board of Licensed Pro-**
3 **fessional Counselors and Therapists** or community mental health program
4 described in ORS 109.675 who in good faith provides diagnosis or treatment
5 to a minor as authorized by ORS 109.675 shall not be subject to any civil
6 liability for providing such diagnosis or treatment without consent of the
7 parent or legal guardian of the minor.

8 **SECTION 4. The amendments to ORS 109.675, 109.680 and 109.685 by**
9 **sections 1 to 3 of this 2013 Act apply to diagnoses and treatments**
10 **provided to a minor on or after the effective date of this 2013 Act.**

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