

# House Bill 2103

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Licensing Agency)

## 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**.

Prohibits person from practicing sex offender treatment unless person is certified clinical sex offender therapist or certified associate sex offender therapist. Clarifies other prohibitions relating to sex offender treatment.

## A BILL FOR AN ACT

1  
2 Relating to sex offender treatment; creating new provisions; and amending ORS 675.360, 675.370,  
3 675.375 and 675.385.

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

5 **SECTION 1. ORS 675.370 is added to and made a part of ORS 675.360 to 675.380.**

6 **SECTION 2. ORS 675.370 is amended to read:**

7 675.370. *[(1) Unless a person has applied for and received certification under ORS 675.375 or*  
8 *675.380, a person may not claim certification as or represent that person to be a:]*

9 *[(a) Certified clinical sex offender therapist; or]*

10 *[(b) Certified associate sex offender therapist.]*

11 *[(2) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex*  
12 *offenders.]*

13 *[(3) A person may not:]*

14 *[(a) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380 by*  
15 *bribery or fraudulent representation; or]*

16 *[(b) Purport to the public to be engaged in the practice of sex offender treatment under the title*  
17 *“clinical sex offender therapist” or “associate sex offender therapist” unless the person possesses a*  
18 *valid certification under ORS 675.360 to 675.380.]*

19 *[(4) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the practice of an*  
20 *individual’s profession or to restrict a person from providing counseling or therapy if the person or*  
21 *individual does not represent to the public by title that the person or individual is a certified sex*  
22 *offender therapist.]*

23 *[(5) Each violation of subsections (3) to (5) of this section is a separate violation.]*

24 **(1) A person may not:**

25 **(a) Engage in the practice of sex offender treatment unless the person is a certified**  
26 **clinical sex offender therapist or a certified associate sex offender therapist;**

27 **(b) If the person is a certified associate sex offender therapist, engage in the practice of**  
28 **sex offender treatment unless the person is under the direct supervision of a certified clinical**  
29 **sex offender therapist;**

30 **(c) Claim to be or represent oneself as a certified clinical sex offender therapist unless**

**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 **the person is certified as a clinical sex offender therapist under ORS 675.375 or 675.380;**

2 **(d) Claim to be or represent oneself as a certified associate sex offender therapist unless**  
 3 **the person is certified as an associate sex offender therapist under ORS 675.375 or 675.380;**

4 **(e) Offer services to the public under the title “certified clinical sex offender therapist”**  
 5 **unless the person is certified as a clinical sex offender therapist under ORS 675.375 or**  
 6 **675.380; or**

7 **(f) Offer services to the public under the title “certified associate sex offender**  
 8 **therapist” unless the person is certified as an associate sex offender therapist under ORS**  
 9 **675.375 or 675.380.**

10 **(2) Each violation of a provision of subsection (1) of this section is a separate violation.**

11 **SECTION 3.** ORS 675.375 is amended to read:

12 675.375. (1) To obtain certification as a clinical sex offender therapist or associate sex offender  
 13 therapist, an applicant must complete an application developed and prescribed by the Sex Offender  
 14 Treatment Board and file a professional disclosure statement [*with*] **developed and prescribed by**  
 15 **the Oregon Health Licensing Agency.** The documents must be accompanied by a fee established by  
 16 the agency.

17 (2) Subject to the provisions of ORS 676.612, the agency may issue two types of certification to  
 18 qualified applicants under this section:

19 (a) Clinical sex offender therapist; and

20 (b) Associate sex offender therapist.

21 (3) To qualify as a certified clinical sex offender therapist, the applicant must:

22 (a) Be in compliance with applicable provisions and rules adopted by the agency;

23 (b) Have at least a master’s degree in the behavioral sciences;

24 (c) Have an active Oregon mental health professional license or equivalent license as determined  
 25 by the agency;

26 (d) Within not less than three years [*nor*] **and not** more than six years prior to application, have  
 27 had a minimum of 2,000 hours of direct clinical contact with sex offenders, including:

28 (A) 1,000 hours of direct treatment services; and

29 (B) 500 hours of evaluations; and

30 (e) Have a minimum of 60 hours of formal training applicable to sex offender treatment and  
 31 evaluation, achieved within the three years prior to application.

32 (4) To qualify as a certified associate sex offender therapist, the applicant must:

33 (a) Be in compliance with applicable provisions and rules adopted by the agency;

34 (b) Have at least a bachelor’s degree in the behavioral sciences;

35 (c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

36 (d) Have a minimum of 30 hours of formal training applicable to sex offender treatment and  
 37 evaluation, achieved within the three years prior to application; and

38 (e) Be under the direct supervision of a certified clinical sex offender therapist.

39 (5) [*Upon receipt of an application for renewal submitted by the applicant, the agency may renew*  
 40 *the certification of a clinical sex offender therapist or an associate sex offender therapist annually or*  
 41 *as otherwise specified by agency rule.*] **A certified clinical sex offender therapist or a certified**  
 42 **associate sex offender therapist must renew a certification issued under this section annually**

43 **or as otherwise required by the agency by rule.** [*The*] **An** application for renewal shall be con-  
 44 sidered by the agency to be an application to continue as a certified clinical sex offender therapist  
 45 or a certified associate sex offender therapist. To renew a certification, the applicant must:

1 (a) Be in compliance with the provisions of ORS 675.360 to 675.410 and rules adopted by the  
2 agency;

3 (b) Have a minimum of 100 hours of clinical experience during the preceding year, 50 of which  
4 shall be direct clinical contact with sex offenders;

5 (c) Have completed a minimum of 15 hours of continuing education in the field of sex offender  
6 treatment during the preceding year; and

7 (d) Satisfy any additional requirements adopted by the board.

8 (6) The agency shall adopt by rule requirements for late renewal of a certification, reactivation  
9 of an expired certification or reinstatement of a certification that has been expired for more than  
10 three consecutive years. **A person whose certification has expired may not engage in the  
11 practice of sex offender treatment until the person meets the requirements adopted under  
12 this subsection.**

13 **SECTION 4.** ORS 675.360 is amended to read:

14 675.360. (1) The Legislative Assembly hereby declares that the comprehensive treatment of sex  
15 offenders who are subject to the supervision of the criminal justice and juvenile justice systems and  
16 the Oregon Health Authority is necessary in order to work toward the elimination of sex offenses.  
17 The Legislative Assembly hereby recognizes that sex offender therapists who examine and treat sex  
18 offenders therefore occupy a vital role in protecting the public from sex offenders who remain in the  
19 community prior to or following disposition or who will reenter the community following a period  
20 of incarceration.

21 (2) The Legislative Assembly further finds that the qualifications, practices, techniques and  
22 levels of effectiveness of sex offender therapists vary widely and that the court's ability to effec-  
23 tively determine appropriate sentencing and monitoring for sex offenders, thus curtailing the inci-  
24 dence of recidivism in such offenders and enhancing the protection of victims and potential victims,  
25 is undermined by a lack of regulated standards of practice and professional responsibility.

26 (3) The Legislative Assembly recognizes the right of sex offender therapists to practice, con-  
27 sistent with the paramount requirement of public safety. Public safety is best served by regulating  
28 sex offender therapists whose clients are being treated under alternative sentencing or disposition,  
29 parole, post-prison supervision, supervision by a county juvenile department or custody of the  
30 Oregon Health Authority or the Oregon Youth Authority.

31 (4) ORS 675.375 establishes the titles certified clinical sex offender therapist and certified asso-  
32 ciate sex offender therapist. [*ORS 675.360 to 675.410 do not prohibit others from providing services  
33 to treat sex offenders. However,*] Only those certified under ORS 675.360 to 675.410 shall represent  
34 the designated titles to the public. Adult and juvenile parole and probation authorities and the  
35 Oregon Health Authority may restrict their referrals to those providers who are certified under ORS  
36 675.360 to 675.410.

37 **SECTION 5.** ORS 675.385 is amended to read:

38 675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direc-  
39 tion of the Sex Offender Treatment Board, the Oregon Health Licensing Agency may impose a form  
40 of discipline listed in ORS 676.612 against any certified sex offender therapist for any of the grounds  
41 listed in ORS 676.612 and for any violation of the provisions of ORS 675.360 to 675.410, or the rules  
42 adopted [*thereunder*] **under ORS 675.360 to 675.410.**

43 (2) The agency may impose disciplinary sanctions against a certified sex offender therapist for  
44 any of the following reasons:

45 (a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that

1 brings into question the person's competence or integrity as a certified sex offender therapist.

2 (b) The person's mental health professional license, or equivalent license, has been revoked,  
3 suspended or restricted by the issuing authority.

4 (c) The person has violated ORS 675.370 [(3) to (5)], or any rules adopted by the agency per-  
5 taining to certification.

6 (d) The person has failed to file or has filed a false, misleading or incomplete professional dis-  
7 closure statement with the agency.

8 (e) The person has practiced beyond the scope of the person's agency-issued certification.  
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