

# Enrolled House Bill 2768

Sponsored by COMMITTEE ON HEALTH CARE

CHAPTER .....

AN ACT

Relating to professions regulated by the Oregon Board of Licensed Professional Counselors and Therapists; creating new provisions; and amending ORS 675.705, 675.715, 675.720 and 675.825.

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

**SECTION 1.** ORS 675.705 is amended to read:  
675.705. As used in ORS 675.715 to 675.835:

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

(2) **"Clinical experience" means the professional practice of applying psychotherapeutic principles and methods to provide assessment, diagnosis and treatment of mental disorders.**

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

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

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

[(5)(a)] (6)(a) "Marriage and family therapy" means the assessment, diagnosis [and] or treatment of mental, emotional [and] or behavioral disorders [within the context of marriage and family systems involving the application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples and families] **involving the application of family systems or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.**

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

(A) Application of counseling techniques for the purpose of resolving intrapersonal [and] or interpersonal conflict [and] or changing perceptions, attitudes, behaviors [and] or interactional processes in the area of human relationships and family life;

**(B) Provision of services to address wellness or optimal functioning in human relationships or family life;**

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

[(C)] (D) Referral activities, including the referral to other specialists when indicated to provide ethical treatment;

[(D)] (E) Consulting activities that apply marriage and family therapy procedures to provide assistance to organizations that support or enrich marriage and family life; and

[(E)] (F) Record keeping activities, including documentation of counseling treatment, therapeutic services [and] or clinical supervision.

[(6)(a)] (7)(a) “Professional counseling” means the assessment, diagnosis [and] or treatment of mental, emotional [and] or behavioral disorders [and the provision of counseling services to address personal growth and wellness, provided through the therapeutic relationship to individuals, couples, children, families, groups and organizations, based on the principles of mental health, behavioral science including statistical analysis, human growth and development throughout the life span, career development, group dynamics and cultural and social diversity, and using cognitive, affective, behavioral and systemic intervention strategies] **involving the application of mental health counseling or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.**

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

[(A)] *Application of counseling theories and techniques designed to assist clients with current or potential problems and to facilitate change in thinking, feeling and behaving;*

**(A) Application of intervention methods based on cognitive, affective, behavioral, systemic or human development principles;**

**(B) Provision of counseling services to address personal growth or wellness;**

[(B)] (C) Definition of goals and the planning of action reflecting interests, abilities, aptitudes [and] or needs as they relate to problems, disabilities or concerns in personal, social, educational, rehabilitation [and] or career adjustments;

[(C)] (D) Research activities, including reporting, designing or conducting research in counseling with human subjects;

[(D)] (E) Referral activities, including the referral to other specialists when indicated to provide ethical treatment;

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

[(F)] (G) Record keeping activities, including documentation of counseling treatment, therapeutic services [and] or clinical supervision.

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

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

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

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

[(2)] (b) Has received:

[(a)] (A) A graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association that includes training in the diagnosis of mental disorders;

[(b)] (B) A graduate degree in marriage and family therapy in a program approved by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy that includes training in the diagnosis of mental disorders;

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

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

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

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

**(c) At the time of application to become a licensed professional counselor or a licensed marriage and family therapist, has a minimum of three years of full-time supervised clinical experience or the equivalent, in accordance with rules adopted by the board.**

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

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

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

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

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

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

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

(a) A request for registration; and

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

(3) The board shall register the applicant as an intern upon receipt and approval of the completed request and plan required in subsection (2) of this section.

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

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

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

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

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

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

675.825. (1) A person may not:

(a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent representation.

(b) Engage in or purport to the public to be engaged in the practice of professional counseling under the title "licensed professional counselor" unless the person is a licensee.

(c) Engage in or purport to the public to be engaged in the practice of marriage and family therapy under the title of "licensed marriage and family therapist" unless the person is a licensee.

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

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

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

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

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

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

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

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

(c) Employed by a local, state or federal agency or any agency licensed or certified by the state to provide mental health or health services, if the person's activities constituting professional counseling or marriage and family therapy are performed within the scope of the person's employment.

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

(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person's profession or restricts a person from providing counseling services or services related to marriage and family if the person:

(a) Does not meet the requirements of ORS 675.715 [(2)] (1)(b); or

(b) Does not practice:

(A) Marriage and family therapy as defined in ORS 675.705 [(5)(a)] (6)(a); or

(B) Professional counseling as defined in ORS 675.705 [(6)(a)] (7)(a).

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

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

**SECTION 5. The amendments to ORS 675.705, 675.715, 675.720 and 675.825 by sections 1 to 4 of this 2013 Act apply to persons who apply to become a licensed professional counselor or a licensed marriage and family therapist on or after the effective date of this 2013 Act.**

**Passed by House March 6, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 13, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State