

# House Bill 2768

Sponsored by COMMITTEE ON HEALTH CARE

## 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 licensure requirements for professions regulated by Oregon Board of Licensed Professional Counselors and Therapists.

## A BILL FOR AN ACT

1  
2 Relating to professions regulated by the Oregon Board of Licensed Professional Counselors and  
3 Therapists; creating new provisions; and amending ORS 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 psychotherapeutic**  
11 **principles and methods to provide assessment, diagnosis and treatment of mental disorders.**

12 [(2)] **(3)** "Licensed marriage and family therapist" means a person to whom a license has been  
13 issued under ORS 675.715.

14 [(3)] **(4)** "Licensed professional counselor" means a person issued a license under ORS 675.715.

15 [(4)] **(5)** "Licensee" means a licensed professional counselor or a licensed marriage and family  
16 therapist.

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

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

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

27 **(B) Provision of services to address wellness or optimal functioning in human relation-**  
28 **ships or family life;**

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

31 [(C)] **(D)** Referral activities, including the referral to other specialists when indicated to provide

**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 ethical treatment;

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

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

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

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

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

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

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

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

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

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

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

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

32 [(7)] (8) “Registered intern” means an applicant for licensure who is registered to obtain post-  
33 degree supervised [work] **clinical** experience toward licensure according to an approved plan pur-  
34 suant to ORS 675.720.

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

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

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

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

45 [(a)] (A) A graduate degree in counseling in a program approved by the Council for Accredi-

1 tation of Counseling and Related Educational Programs of the American Counseling Association that  
2 includes training in the diagnosis of mental disorders;

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

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

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

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

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

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

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

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

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

36 [(6)] **(2)** An application that remains incomplete for one year from the date of the initial sub-  
37 mission to the board is considered to have been withdrawn by the applicant. Incomplete applications  
38 include, but are not limited to, applications lacking documentation, signatures or the payment of fees  
39 required by the board.

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

41 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-  
42 quired by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of  
43 Licensed Professional Counselors and Therapists that the applicant has the required supervised  
44 clinical [work] experience, the applicant must register an internship plan to obtain acceptable post-  
45 degree supervised [work] **clinical** experience to qualify for a license as a professional counselor or

1 as a marriage and family therapist.

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

4 (a) A request for registration; and

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

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

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

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

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

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

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

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

18 675.825. (1) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

1 ment.

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

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

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

8 (b) Does not practice:

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

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

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

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

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

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