

# Senate Bill 491

Sponsored by COMMITTEE ON HEALTH CARE AND HUMAN SERVICES

## 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**.

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 the Oregon Board of Li-  
3 censed Professional Counselors and Therapists; creating new provisions; and amending ORS  
4 109.675, 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 knowledge or consent,  
8 outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, ex-  
9 cluding methadone maintenance, by a physician licensed by the Oregon Medical Board, a psychol-  
10 ogist licensed by the State Board of Psychologist Examiners, a nurse practitioner registered by the  
11 Oregon State Board of Nursing, a clinical social worker licensed by the State Board of Licensed  
12 Social Workers, **a professional counselor or marriage and family therapist licensed by the**  
13 **Oregon Board of Licensed Professional Counselors and Therapists** or a community mental  
14 health program established and operated pursuant to ORS 430.620 when approved to do so by the  
15 Oregon Health Authority pursuant to rule.

16 (2) However, the person providing treatment shall have the parents of the minor involved before  
17 the end of treatment unless the parents refuse or unless there are clear clinical indications to the  
18 contrary, which shall be documented in the treatment record. The provisions of this subsection do  
19 not apply to:

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

21 (b) An emancipated minor, whether emancipated under the provisions of ORS 109.510 and  
22 109.520 or 419B.550 to 419B.558 or, for the purpose of this section only, emancipated by virtue of  
23 having lived apart from the parents or legal guardian while being self-sustaining for a period of 90  
24 days prior to obtaining treatment as provided by this section.

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

26 109.680. A physician, psychologist, nurse practitioner, clinical social worker licensed under ORS  
27 675.530, **professional counselor or marriage and family therapist licensed by the Oregon**  
28 **Board of Licensed Professional Counselors and Therapists** or community mental health program  
29 described in ORS 109.675 may advise the parent or parents or legal guardian of any minor described

**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 in ORS 109.675 of the diagnosis or treatment whenever the disclosure is clinically appropriate and  
2 will serve the best interests of the minor's treatment because the minor's condition has deteriorated  
3 or the risk of a suicide attempt has become such that inpatient treatment is necessary, or the  
4 minor's condition requires detoxification in a residential or acute care facility. If such disclosure  
5 is made, the physician, psychologist, nurse practitioner, clinical social worker licensed under ORS  
6 **675.530, professional counselor or marriage and family therapist licensed by the Oregon**  
7 **Board of Licensed Professional Counselors and Therapists** or community mental health program  
8 shall not be subject to any civil liability for advising the parent, parents or legal guardian without  
9 the consent of the minor.

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

11 109.685. A physician, psychologist, nurse practitioner, clinical social worker licensed under ORS  
12 **675.530, professional counselor or marriage and family therapist licensed by the Oregon**  
13 **Board of Licensed Professional Counselors and Therapists** or community mental health program  
14 described in ORS 109.675 who in good faith provides diagnosis or treatment to a minor as authorized  
15 by ORS 109.675 shall not be subject to any civil liability for providing such diagnosis or treatment  
16 without consent of the parent or legal guardian of the minor.

17 **SECTION 4. The amendments to ORS 109.675, 109.680 and 109.685 by sections 1 to 3 of this**  
18 **2013 Act apply to diagnoses and treatments provided to a minor on or after the effective date**  
19 **of this 2013 Act.**