

# Senate Bill 430

Sponsored by Senator KRUSE (Presession filed.)

## 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**.

Authorizes State Board of Psychologist Examiners to withhold license to practice from applicant who has been convicted of sex crime.

Authorizes State Board of Licensed Social Workers to withhold license, certification or registration to practice from applicant who has been convicted of sex crime.

Authorizes Oregon Board of Licensed Professional Counselors and Therapists to withhold license to practice from applicant who has been convicted of sex crime.

## A BILL FOR AN ACT

1  
2 Relating to licensure of mental health professionals; creating new provisions; and amending ORS  
3 675.030, 675.065, 675.530, 675.532, 675.533, 675.537 and 675.715.

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

5 **SECTION 1.** ORS 675.030 is amended to read:

6 675.030. (1) Upon application for licensure accompanied by the established fee, the State Board  
7 of Psychologist Examiners shall issue a psychologist license to an applicant who performs to the  
8 satisfaction of the board in examinations prescribed by the board and furnishes evidence satisfactory  
9 to the board that the applicant:

10 (a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable  
11 rules of the board;

12 (b) Holds a doctoral degree in psychology from an approved doctoral program in psychology;

13 (c) Has satisfactorily completed courses and training required by the board;

14 (d) Has had two years of supervised employment in the field of psychology:

15 (A) Under the direction of a psychologist licensed in Oregon or under the direction of a person  
16 considered by the board to have equivalent supervisory competence; or

17 (B) In the military; and

18 (e) Is of good moral character. For purposes of this section, the lack of good moral character  
19 may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct  
20 that would cause a reasonable person to have substantial doubts about the individual's honesty,  
21 fairness and respect for the rights of others and for the laws of the state and the nation. The con-  
22 duct or acts in question must be rationally connected to the applicant's fitness to practice psychol-  
23 ogy.

24 **(2) The board may withhold a psychologist license from an applicant who has been con-**  
25 **victed in any state of a sex crime as defined in ORS 181.805.**

26 [(2)] **(3)** The board shall adopt rules by which a person receiving post-doctoral supervision dur-  
27 ing the application process may enter into a contract to practice psychology under the supervision  
28 of a licensed psychologist, psychologist associate or a person considered by the board to have  
29 equivalent supervisory competence. An applicant who enters such a contract shall be designated as

**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 a psychologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS  
2 675.010 to 675.150.

3 **SECTION 2.** ORS 675.065 is amended to read:

4 675.065. (1) The State Board of Psychologist Examiners shall issue psychologist associate li-  
5 censes to applicants who meet requirements of this section, do not possess a doctoral degree, and  
6 are deemed competent to perform certain functions within the practice of psychology under the pe-  
7 riodic direct supervision of a psychologist licensed by the board. Such functions may include but are  
8 not restricted to administering tests of mental abilities, conducting personality assessments and  
9 counseling, including educational and vocational planning.

10 (2) The applicant shall pay to the board the application fee for a license.

11 (3) Upon petition by a psychologist associate, the board may grant authority to function without  
12 immediate supervision.

13 (4) Upon application therefor accompanied by the fee established by the board, the board shall  
14 issue a psychologist associate license to any applicant who performs to the satisfaction of the board  
15 in the examinations prescribed by the board if the board determines that the applicant:

16 (a) Is of good moral character;

17 (b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

18 (c) Has received a master's degree in psychology from a psychology program approved by the  
19 board by rule;

20 (d) Has completed an internship in an approved educational institution or one year of other  
21 training experience acceptable to the board, such as supervised professional experience under the  
22 direction of a psychologist licensed in Oregon, or under the direction of a person considered by the  
23 board to have equivalent supervisory competence; and

24 (e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of  
25 full-time experience satisfactory to the board under the direct supervision of a licensed psychologist  
26 in Oregon, or under the direct supervision of a person considered by the board to have equivalent  
27 supervisory competence.

28 **(5) The board may withhold a psychologist associate license from an applicant who has  
29 been convicted in any state of a sex crime as defined in ORS 181.805.**

30 **SECTION 3.** ORS 675.530 is amended to read:

31 675.530. (1) If an applicant for initial licensure as a clinical social worker has complied with the  
32 requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed  
33 Social Workers shall issue a license to the applicant.

34 (2) An applicant for licensure as a clinical social worker shall submit evidence satisfactory to  
35 the board that the applicant:

36 (a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable  
37 rules of the board;

38 (b) Holds a master's degree in social work from a college or university accredited by an ac-  
39 crediting organization recognized by the board;

40 (c) Has completed the equivalent of two years of full-time experience in the field of clinical so-  
41 cial work in accordance with rules of the board;

42 (d) Has satisfactorily completed the requirements for certification as a clinical social work as-  
43 sociate under ORS 675.537; and

44 (e) If required under ORS 675.535, has passed the written examination for licensure as a clinical  
45 social worker.

1       **(3) The board may withhold licensure as a clinical social worker from an applicant who**  
 2       **has been convicted in any state of a sex crime as defined in ORS 181.805.**

3       [(3)] (4) The board shall adopt rules relating to the clinical experience required under subsection  
 4 (2)(c) of this section after consultation with persons active in the field of clinical social work. The  
 5 rules may allow for including experience obtained in the course of the study of social work as part  
 6 of the clinical experience required under subsection (2)(c) of this section.

7       **SECTION 4.** ORS 675.532, as amended by section 6, chapter 60, Oregon Laws 2013, is amended  
 8 to read:

9       675.532. (1) If an applicant for initial registration for the practice of baccalaureate social work  
 10 has complied with the requirements of this section and has paid the fee under ORS 675.571, the State  
 11 Board of Licensed Social Workers shall register the applicant as a baccalaureate social worker.  
 12 Upon registration, the board shall issue notice of the registration to the applicant.

13       (2) An applicant for registration for the practice of baccalaureate social work shall submit evi-  
 14 dence satisfactory to the board that the applicant:

15       (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600  
 16 and the applicable rules of the board;

17       (b) Holds a bachelor's degree in social work from a college or university accredited by an ac-  
 18 crediting organization recognized by the board; and

19       (c) If required under ORS 675.535, has passed the written examination for registration for the  
 20 practice of baccalaureate social work.

21       **(3) The board may withhold registration as a baccalaureate social worker from an appli-**  
 22       **cant who has been convicted in any state of a sex crime as defined in ORS 181.805.**

23       **SECTION 5.** ORS 675.533, as amended by section 7, chapter 60, Oregon Laws 2013, is amended  
 24 to read:

25       675.533. (1) If an applicant for initial licensure for the practice of master's social work has  
 26 complied with the requirements of this section and has paid the fee under ORS 675.571, the State  
 27 Board of Licensed Social Workers shall issue a license to the applicant.

28       (2) An applicant for licensure for the practice of master's social work shall submit evidence  
 29 satisfactory to the board that the applicant:

30       (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600  
 31 and the applicable rules of the board;

32       (b) Holds a master's degree in social work from a college or university accredited by an ac-  
 33 crediting organization recognized by the board; and

34       (c) If required under ORS 675.535, has passed the written examination for licensure for the  
 35 practice of master's social work.

36       **(3) The board may withhold licensure as a master's social worker from an applicant who**  
 37       **has been convicted in any state of a sex crime as defined in ORS 181.805.**

38       **SECTION 6.** ORS 675.537 is amended to read:

39       675.537. (1) If an applicant for initial certification as a clinical social work associate has com-  
 40 plied with the requirements of this section and has paid the fee under ORS 675.571, the State Board  
 41 of Licensed Social Workers shall certify the applicant. Upon certification, the board shall issue a  
 42 certificate to the applicant.

43       (2) An applicant for certification as a clinical social work associate shall submit evidence sat-  
 44 isfactory to the board that the applicant:

45       (a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable

1 rules of the board;

2 (b) Holds a master's degree in social work from a college or university accredited by an ac-  
3 crediting organization recognized by the board; and

4 (c) Has developed a plan approved by the board for completion of practice and supervision re-  
5 quirements as defined by the rules of the board.

6 **(3) The board may withhold certification as a clinical social work associate from an ap-  
7 plicant who has been convicted in any state of a sex crime as defined in ORS 181.805.**

8 **SECTION 7.** ORS 675.715 is amended to read:

9 675.715. (1) In order to obtain a license as a professional counselor or a marriage and family  
10 therapist, an applicant shall make application on a form and in such a manner as the Oregon Board  
11 of Licensed Professional Counselors and Therapists prescribes, accompanied by the nonrefundable  
12 fee established pursuant to ORS 675.785. The board shall issue a license as a professional counselor  
13 or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the  
14 board that the applicant meets the following qualifications:

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

17 (b) Has received:

18 (A) A graduate degree in counseling in a program approved by the Council for Accreditation  
19 of Counseling and Related Educational Programs of the American Counseling Association that in-  
20 cludes training in the diagnosis of mental disorders;

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

24 (C) A graduate degree, under standards explicitly adopted by the board by rule that is deter-  
25 mined by the board to be comparable in both content and quality to a degree approved under sub-  
26 paragraph (A) or (B) of this paragraph and that includes training in the diagnosis of mental  
27 disorders; or

28 (D) A graduate degree, determined by the board to meet at an acceptable level at least a ma-  
29 jority of the board's adopted degree standards and that includes training in the diagnosis of mental  
30 disorders, and has completed additional graduate training obtained in a counselor or marriage and  
31 family therapy program at an accredited college or university to meet the remainder of the stan-  
32 dards.

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

36 (d) Demonstrates competence as a professional counselor or marriage and family therapist by  
37 passing an examination prescribed by the board as follows:

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

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

1       **(2) The board may withhold licensure as a professional counselor or a marriage and**  
2 **family therapist from an applicant who has been convicted in any state of a sex crime as**  
3 **defined in ORS 181.805.**

4       [(2)] **(3) An application that remains incomplete for one year from the date of the initial sub-**  
5 **mission to the board is considered to have been withdrawn by the applicant. Incomplete applications**  
6 **include, but are not limited to, applications lacking documentation, signatures or the payment of fees**  
7 **required by the board.**

8       **SECTION 8. (1) The amendments to ORS 675.030 and 675.065 by sections 1 and 2 of this**  
9 **2015 Act apply to applications for licensure received by the State Board of Psychologist Ex-**  
10 **aminers on or after the effective date of this 2015 Act.**

11       **(2) The amendments to ORS 675.530, 675.532, 675.533 and 675.537 by sections 3 to 6 of this**  
12 **2015 Act apply to applications for licensure, certification or registration received by the State**  
13 **Board of Licensed Social Workers on or after the effective date of this 2015 Act.**

14       **(3) The amendments to ORS 675.715 by section 7 of this 2015 Act apply to applications for**  
15 **licensure received by the Oregon Board of Licensed Professional Counselors and Therapists**  
16 **on or after the effective date of this 2015 Act.**

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