

D R A F T

SUMMARY

Allows licensed professional counselors and licensed marriage and family therapists to conduct certain psychological evaluations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to psychological evaluations; creating new provisions; amending ORS 419C.380 and 419C.382; and declaring an emergency.

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

SECTION 1. ORS 419C.380 is amended to read:

419C.380. (1) An evaluation ordered under ORS 419C.378 must be conducted by a psychiatrist, a licensed psychologist, **a licensed professional counselor, a licensed marriage and family therapist** or a regulated social worker. If an evaluation is requested, the party at whose request the evaluation was ordered shall notify the court and other parties of the date, time and location of the evaluation and the name of the evaluator chosen by the party. A party or the court may submit written information to the evaluator for consideration. When written information that has not been provided to the court or an opposing party is submitted to the evaluator, the party submitting the written information to the evaluator shall provide the written information to the court and the opposing party.

(2)(a) Upon motion of the youth, or upon the court's own motion, a court shall determine whether the youth is financially eligible under the policies, procedures, standards and guidelines of the Public Defense Services Commission.

1 (b) If a county court or justice court determines that the youth is finan-
2 cially eligible, the court shall order the county to pay the fees and costs
3 described in subsection (3) of this section from funds available for that pur-
4 pose.

5 (c) If a circuit court determines that the youth is financially eligible, the
6 court shall order the public defense services executive director to pay the
7 fees and costs described in subsection (3) of this section from funds available
8 for that purpose.

9 (3) If a court determines that a youth is financially eligible under sub-
10 section (2) of this section, the court shall order that:

11 (a) A reasonable fee be paid to a psychiatrist, licensed psychologist, **li-**
12 **censed professional counselor, licensed marriage and family therapist**
13 or regulated social worker in private practice who conducts the evaluation;
14 and

15 (b) All costs, including transportation of the youth, be paid if the evalu-
16 ation is conducted by a psychiatrist, licensed psychologist, **licensed pro-**
17 **fessional counselor, licensed marriage and family therapist** or regulated
18 social worker employed by the Department of Human Services or is con-
19 ducted by a community mental health program or community developmental
20 disabilities program established under ORS 430.610 to 430.695.

21 (4) If an evaluation is ordered under ORS 419C.378 at the request of or
22 with the acquiescence of a youth, and the youth is determined not to be fi-
23 nancially eligible under subsection (2) of this section, the evaluation shall
24 be performed at the youth's expense.

25 (5) If an evaluation is ordered under ORS 419C.378 at the request of the
26 district attorney or juvenile department, the county shall pay for the expense
27 of the evaluation.

28 (6) After a motion is made by the court or the youth under ORS 419C.378
29 (3), the state shall have the right to seek an independent evaluation at its
30 own expense.

31 **SECTION 2.** ORS 419C.382 is amended to read:

1 419C.382. (1) The Oregon Health Authority shall:

2 (a) Develop training standards for psychiatrists, licensed psychologists,
3 **licensed professional counselors, licensed marriage and family thera-**
4 **pists** and regulated social workers conducting evaluations under ORS
5 419C.380;

6 (b) Develop guidelines for the conduct of evaluations; and

7 (c) Provide courts with a current list of qualified evaluators from which
8 an evaluator may be selected. Neither the parties nor the court is required
9 to choose an evaluator from the list provided by the authority, provided that
10 the evaluator chosen is otherwise qualified.

11 (2) The authority shall adopt rules necessary to implement this section.

12 **SECTION 3. (1) The amendments to ORS 419C.380 and 419C.382 by**
13 **sections 1 and 2 of this 2017 Act become operative on January 1, 2018.**

14 **(2) The Oregon Health Authority may take any action before the**
15 **operative date specified in subsection (1) of this section that is neces-**
16 **sary to enable the authority to exercise, on or after the operative date**
17 **specified in subsection (1) of this section, all of the duties, functions**
18 **and powers conferred on the authority by the amendments to ORS**
19 **419C.380 and 419C.382 by sections 1 and 2 of this 2017 Act.**

20 **SECTION 4. This 2017 Act being necessary for the immediate pres-**
21 **ervation of the public peace, health and safety, an emergency is de-**
22 **clared to exist, and this 2017 Act takes effect on its passage.**

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