

House Bill 2633

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

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**.

Expands definition of "sex offender" for purposes of sex offender treatment services. Clarifies that Health Licensing Office may discipline certified clinical sex offender therapist and certified associate sex offender therapist. Prohibits provision of sex offender treatment services by person not authorized by Sex Offender Treatment Board. Requires person authorized by board to provide sex offender treatment services but who did not hold active mental health professional license upon date of authorization to obtain mental health professional license by January 1, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offender treatment; creating new provisions; amending ORS 675.365, 675.370, 675.385
3 and 675.395; and declaring an emergency.

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

5 **SECTION 1.** ORS 675.365 is amended to read:

6 675.365. As used in ORS 675.360 to 675.410:

7 (1) "Certified associate sex offender therapist" means a person who is certified under ORS
8 675.375 or 675.380 to provide services for the treatment and rehabilitation of sex offenders while
9 under the direct supervision of a certified clinical sex offender therapist.

10 (2) "Certified clinical sex offender therapist" means a person who is certified under ORS 675.375
11 or 675.380 to provide services for the treatment and rehabilitation of sex offenders and who may
12 supervise certified associate sex offender therapists.

13 (3) "Certified sex offender therapist" means a certified clinical sex offender therapist or a cer-
14 tified associate sex offender therapist.

15 (4) "Direct supervision" means a minimum of two hours of supervision by a certified clinical sex
16 offender therapist for each 45 hours of direct clinical contact with a sex offender.

17 (5) "Professional disclosure statement" means a statement about an applicant for certification
18 under ORS 675.375 or 675.380 that includes the following information:

19 (a) Name, business address and telephone number;

20 (b) Philosophy and approach to treatment and rehabilitation of sex offenders;

21 (c) Formal education and training;

22 (d) Continuing education experience and name of supervisor, if any;

23 (e) Fee schedules for sex offender treatment services; and

24 (f) The name, address and telephone number of the Sex Offender Treatment Board.

25 (6) "Sex offender" means a person:

26 (a) Convicted or adjudicated of a sex crime, as defined in ORS 163A.005, or a sexual offense,
27 as provided in ORS 163.305 to 163.467, and mandated by a court, a releasing authority, including the
28 Oregon Youth Authority, or the Oregon Health Authority to successfully complete a sex offender

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 treatment program;

2 **(b) Referred for sex offender treatment by the Department of Human Services;**

3 **(c) Referred for sex offender treatment by a district school board, public charter school**
 4 **or public or private institution of post-secondary education; or**

5 **(d) Who self-refers for sex offender treatment.**

6 (7) "Sex offender treatment" means the process of evaluation, assessment and reformation of sex
 7 offenders.

8 **SECTION 2.** ORS 675.370 is amended to read:

9 675.370. [(1) Unless a person has applied for and received certification under ORS 675.375 or
 10 675.380, a person may not claim certification as or represent that person to be a:]

11 [(a) Certified clinical sex offender therapist; or]

12 [(b) Certified associate sex offender therapist.]

13 [(2) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex
 14 offenders.]

15 [(3) A person may not:]

16 [(a) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380 by
 17 bribery or fraudulent representation; or]

18 [(b) Purport to the public to be engaged in the practice of sex offender treatment under the title
 19 "clinical sex offender therapist" or "associate sex offender therapist" unless the person possesses an
 20 active certification under ORS 675.360 to 675.380.]

21 [(4) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the practice of an
 22 individual's profession or to restrict a person from providing counseling or therapy if the person or
 23 individual does not represent to the public by title that the person or individual is a certified sex
 24 offender therapist.]

25 **(1) A person may not:**

26 **(a) Engage in the practice of sex offender treatment or assume or use any title, words**
 27 **or abbreviations, including the title or designation "certified clinical sex offender therapist"**
 28 **or "certified associate sex offender therapist," that indicate that the person is authorized to**
 29 **engage in the practice of sex offender treatment unless the person holds a certificate issued**
 30 **under ORS 675.375 or 675.380.**

31 **(b) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380**
 32 **by bribery or fraudulent representation.**

33 **(2) Subsection (1) of this section does not prohibit a person who is authorized to practice**
 34 **a mental health profession other than sex offender treatment under the laws of this state**
 35 **from practicing the person's mental health profession.**

36 [(5)] **(3) Each violation of [subsections (3) to (5)] subsection (1) of this section is a separate vi-**
 37 **olation.**

38 **SECTION 3.** ORS 675.385 is amended to read:

39 675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direc-
 40 tion of the Sex Offender Treatment Board, the Health Licensing Office may impose a form of disci-
 41 pline listed in ORS 676.612 against [any] a certified **clinical** sex offender therapist **or a certified**
 42 **associate sex offender therapist** for any of the grounds listed in ORS 676.612 and for any violation
 43 of the provisions of ORS 675.360 to 675.410, or the rules adopted thereunder.

44 (2) The office may impose disciplinary sanctions against a certified **clinical** sex offender thera-
 45 **pist or a certified associate sex offender therapist** for any of the following reasons:

1 (a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that
 2 brings into question the person's competence or integrity as a certified **clinical** sex offender thera-
 3 pist **or a certified associate sex offender therapist**.

4 (b) The person's mental health professional license, or equivalent license, has been revoked,
 5 suspended or restricted by the issuing authority.

6 (c) The person has violated ORS 675.370 [(3) to (5)] (1), or any rules adopted by the office per-
 7 taining to certification.

8 (d) The person has failed to file or has filed a false, misleading or incomplete professional dis-
 9 closure statement with the office.

10 (e) The person has practiced beyond the scope of the person's certification under ORS 675.380.

11 **SECTION 4.** ORS 675.395 is amended to read:

12 675.395. (1) The Sex Offender Treatment Board is established within the Health Licensing Office.
 13 The board shall consist of seven members appointed by the Governor from lists of recommended
 14 persons submitted as provided in subsection (2) of this section. All members of the board must be
 15 residents of this state.

16 (2) Of the members appointed to the board:

17 (a) Two shall be from a list submitted by the Oregon Association for the Treatment of Sexual
 18 Abusers;

19 (b) Two shall be from a list submitted by the Oregon Adolescent Sex [*Offender*] **Offending**
 20 Treatment Network, **or a successor organization**;

21 (c) One shall be from a list submitted by the Oregon Association of Community Corrections Di-
 22 rectors;

23 (d) One shall be from a list submitted by the Oregon Juvenile Department Directors Association;
 24 and

25 (e) One shall be from a list submitted by a victims' advocacy organization.

26 (3) The term of office of each member is four years, but a member serves at the pleasure of the
 27 Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A
 28 member shall hold the member's office until the appointment and qualification of a successor. A
 29 member is eligible for reappointment. If a person serves two consecutive full terms, a period of at
 30 least four years must elapse before the person is again eligible for appointment to serve on the
 31 board.

32 (4) Members of the board are eligible for compensation and expenses as provided in ORS 292.495.

33 (5) The board shall select one of its members to serve as chair and another to serve as vice
 34 chair, for those terms and with such duties and powers necessary for the performance of the func-
 35 tions of those offices as the board determines.

36 (6) A majority of the board constitutes a quorum for the transaction of business.

37 (7) The board shall meet at times and places specified by the call of the chair or of a majority
 38 of the members of the board. The board shall meet at least once each calendar year.

39 (8) A board member appointed under this section who is also a clinical sex offender therapist
 40 or associate sex offender therapist must satisfy all requirements for certification provided in ORS
 41 675.375 and must obtain certification within 12 months of the member's appointment.

42 **SECTION 5. Sections 6 and 7 of this 2017 Act are added to and made a part of ORS 675.360**
 43 **to 675.410.**

44 **SECTION 6. (1) ORS 675.360 to 675.410 do not apply to:**

45 (a) **A student enrolled in an approved educational program who is pursuing a graduate**

1 degree in a mental health field, if the student provides sex offender treatment services only
2 for academic credit as part of an organized and supervised training program.

3 (b) A person employed by a local, state or federal government agency, community mental
4 health program or drug and alcohol treatment program licensed or certified in this state, if
5 the person's activities and services are performed and provided within the person's scope of
6 employment.

7 (c) A person who is a recognized member of the clergy, if the person is acting in the
8 person's capacity as a member of the clergy.

9 (2) A person described in subsection (1) of this section may not use the title "certified
10 clinical sex offender therapist," "certified associate sex offender therapist" or a similar title.

11 **SECTION 7.** A person who engages in the practice of sex offender treatment as a certi-
12 fied clinical sex offender therapist, and who did not hold an active Oregon mental health
13 professional license or equivalent license as determined by the Health Licensing Office as of
14 the date of the person's initial certification, may continue to engage in the practice of sex
15 offender treatment as a certified clinical sex offender therapist only if the person obtains an
16 Oregon mental health professional license or equivalent license as determined by the office
17 not later than January 1, 2021.

18 **SECTION 8.** (1) Sections 5 and 6 of this 2017 Act and the amendments to ORS 675.365,
19 675.370, 675.385 and 675.395 by sections 1 to 4 of this 2017 Act become operative on January
20 1, 2018.

21 (2) The Health Licensing Office and the Sex Offender Treatment Board may take any
22 action before the operative date specified in subsection (1) of this section that is necessary
23 to enable the office and the board to exercise, on or after the operative date specified in
24 subsection (1) of this section, all of the duties, functions and powers conferred on the office
25 and the board by sections 5 and 6 of this 2017 Act and the amendments to ORS 675.365,
26 675.370, 675.385 and 675.395 by sections 1 to 4 of this 2017 Act.

27 **SECTION 9.** This 2017 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
29 on its passage.