

Senate Bill 965

Sponsored by COMMITTEE ON HEALTH CARE (at the request of Coalition of Oregon Professional Associations for Counseling and Therapy)

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**.

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

1
2 Relating to psychological evaluations; creating new provisions; amending ORS 419C.380 and
3 419C.382; and declaring an emergency.

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

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

6 419C.380. (1) An evaluation ordered under ORS 419C.378 must be conducted by a psychiatrist,
7 a licensed psychologist, **a licensed professional counselor, a licensed marriage and family**
8 **therapist** or a regulated social worker. If an evaluation is requested, the party at whose request the
9 evaluation was ordered shall notify the court and other parties of the date, time and location of the
10 evaluation and the name of the evaluator chosen by the party. A party or the court may submit
11 written information to the evaluator for consideration. When written information that has not been
12 provided to the court or an opposing party is submitted to the evaluator, the party submitting the
13 written information to the evaluator shall provide the written information to the court and the op-
14 posing party.

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

18 (b) If a county court or justice court determines that the youth is financially eligible, the court
19 shall order the county to pay the fees and costs described in subsection (3) of this section from funds
20 available for that purpose.

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

24 (3) If a court determines that a youth is financially eligible under subsection (2) of this section,
25 the court shall order that:

26 (a) A reasonable fee be paid to a psychiatrist, licensed psychologist, **licensed professional**
27 **counselor, licensed marriage and family therapist** or regulated social worker in private practice
28 who conducts the evaluation; and

29 (b) All costs, including transportation of the youth, be paid if the evaluation is conducted by a
30 psychiatrist, licensed psychologist, **licensed professional counselor, licensed marriage and fam-**

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 **ily therapist** or regulated social worker employed by the Department of Human Services or is
2 conducted by a community mental health program or community developmental disabilities program
3 established under ORS 430.610 to 430.695.

4 (4) If an evaluation is ordered under ORS 419C.378 at the request of or with the acquiescence
5 of a youth, and the youth is determined not to be financially eligible under subsection (2) of this
6 section, the evaluation shall be performed at the youth's expense.

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

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

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

12 419C.382. (1) The Oregon Health Authority shall:

13 (a) Develop training standards for psychiatrists, licensed psychologists, **licensed professional**
14 **counselors, licensed marriage and family therapists** and regulated social workers conducting
15 evaluations under ORS 419C.380;

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

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

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

21 **SECTION 3. (1) The amendments to ORS 419C.380 and 419C.382 by sections 1 and 2 of this**
22 **2017 Act become operative on January 1, 2018.**

23 **(2) The Oregon Health Authority may take any action before the operative date specified**
24 **in subsection (1) of this section that is necessary to enable the authority to exercise, on or**
25 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
26 **and powers conferred on the authority by the amendments to ORS 419C.380 and 419C.382 by**
27 **sections 1 and 2 of this 2017 Act.**

28 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
30 **on its passage.**

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