

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2633**

1 On page 1 of the printed bill, line 2, after “675.370,” delete the rest of the
2 line and delete line 2 and insert “675.375, 675.380, 675.385, 675.395 and 676.992;
3 and declaring an emergency.”.

4 Delete lines 5 through 28 and delete pages 2 through 4 and insert:

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
8 certified under ORS 675.375 or 675.380 to provide services for the treatment
9 and rehabilitation of [*sex offenders*] **sexual abusers** while under the direct
10 supervision of a certified clinical sex offender therapist.

11 “(2) ‘Certified clinical sex offender therapist’ means a person who is cer-
12 tified under ORS 675.375 or 675.380 to provide services for the treatment and
13 rehabilitation of [*sex offenders*] **sexual abusers** and who may supervise cer-
14 tified associate sex offender therapists.

15 **“(3) ‘Certified secondary associate sex offender therapist’ means a**
16 **person who is certified under ORS 675.375 or 675.380 to provide limited**
17 **services for the treatment and rehabilitation of sexual abusers under**
18 **the direct supervision of a certified clinical sex offender therapist.**

19 “[~~(3)~~] (4) ‘Certified sex offender therapist’ means a certified clinical sex
20 offender therapist [*or*], a certified associate sex offender therapist **or a cer-**
21 **tified secondary associate sex offender therapist.**

1 “[~~(4)~~] (5) ‘Direct supervision’ means a minimum of two hours of super-
2 vision by a certified clinical sex offender therapist for each:

3 “(a) 45 hours of direct clinical contact with a [*sex offender*] **sexual**
4 **abuser, if the individual being supervised is a certified associate sex**
5 **offender therapist; or**

6 “(b) 10 hours of direct clinical contact with a sexual abuser, if the
7 **individual being supervised is a certified secondary associate sex**
8 **offender therapist.**

9 “[~~(5)~~] (6) ‘Professional disclosure statement’ means a statement about an
10 applicant for certification under ORS 675.375 or 675.380 that includes the
11 following information:

12 “(a) Name, business address and telephone number;

13 “(b) Philosophy and approach to treatment and rehabilitation of [*sex*
14 *offenders*] **sexual abusers;**

15 “(c) Formal education and training;

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

17 “(e) Fee schedules for [*sex offender*] **sexual abuse specific** treatment
18 services; and

19 “(f) The name, address and telephone number of the Sex Offender Treat-
20 ment Board.

21 “[~~(6)~~] (7) [*‘Sex offender’*] **‘Sexual abuser’** means a person:

22 “(a) Convicted or adjudicated of a sex crime, as defined in ORS 163A.005,
23 or a sexual offense, as provided in ORS 163.305 to 163.467, and mandated by
24 a court, a releasing authority, including the Oregon Youth Authority, or the
25 Oregon Health Authority to successfully complete a [*sex offender*] **sexual**
26 **abuse specific** treatment program;

27 “(b) **Referred for sexual abuse specific treatment while the person**
28 **is awaiting trial on a criminal charge for a sex crime as defined in ORS**
29 **163A.005;**

30 “(c) **Referred for sexual abuse specific treatment by:**

1 **“(A) The Department of Human Services;**

2 **“(B) A district school board, public charter school or public or pri-**
3 **vate institution of post-secondary education; or**

4 **“(C) A county program for aging persons, persons with disabilities**
5 **and veterans; or**

6 **“(d) Who self-refers for sexual abuse specific treatment.**

7 **“[(7)] (8) [‘Sex offender treatment’] ‘Sexual abuse specific treatment’**
8 means the process of evaluation, assessment and reformation of [sex
9 offenders] **sexual abusers.**

10 **“SECTION 2.** ORS 675.370 is amended to read:

11 **“675.370. [(1) Unless a person has applied for and received certification**
12 **under ORS 675.375 or 675.380, a person may not claim certification as or rep-**
13 **resent that person to be a:]**

14 **“[(a) Certified clinical sex offender therapist; or]**

15 **“[(b) Certified associate sex offender therapist.]**

16 **“[(2) ORS 675.360 to 675.410 apply only to certified sex offender therapists**
17 **who treat sex offenders.]**

18 **“[(3) A person may not:]**

19 **“[(a) Attempt to obtain a certificate or renewal of a certificate under ORS**
20 **675.360 to 675.380 by bribery or fraudulent representation; or]**

21 **“[(b) Purport to the public to be engaged in the practice of sex offender**
22 **treatment under the title ‘clinical sex offender therapist’ or ‘associate sex**
23 **offender therapist’ unless the person possesses an active certification under**
24 **ORS 675.360 to 675.380.]**

25 **“[(4) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the**
26 **practice of an individual’s profession or to restrict a person from providing**
27 **counseling or therapy if the person or individual does not represent to the**
28 **public by title that the person or individual is a certified sex offender thera-**
29 **pist.]**

30 **“(1) A person may not:**

1 “(a) Engage in the practice of sexual abuse specific treatment or
2 assume or use any title, words or abbreviations, including the title or
3 designation ‘certified clinical sex offender therapist,’ ‘certified associ-
4 ate sex offender therapist’ or ‘certified secondary associate sex
5 offender therapist,’ that indicate that the person is authorized to en-
6 gage in the practice of sexual abuse specific treatment unless the
7 person holds a certificate issued under ORS 675.375 or 675.380.

8 “(b) Attempt to obtain a certificate or renewal of a certificate under
9 ORS 675.360 to 675.380 by bribery or fraudulent representation.

10 “(2) Subsection (1) of this section does not prohibit a person who is
11 authorized to practice a mental health profession other than sexual
12 abuse specific treatment under the laws of this state from practicing
13 the person’s mental health profession.

14 “[(5)] (3) Each violation of [subsections (3) to (5)] **subsection (1)** of this
15 section is a separate violation.

16 “**SECTION 3.** ORS 675.375 is amended to read:

17 “675.375. (1) To obtain certification as a clinical sex offender therapist
18 [or], associate sex offender therapist **or secondary associate sex offender**
19 **therapist**, an applicant must complete an application developed and pre-
20 scribed by the Sex Offender Treatment Board and file a professional disclo-
21 sure statement with the Health Licensing Office. The documents must be
22 accompanied by the applicable fees established under ORS 676.592.

23 “(2) Subject to the provisions of ORS 676.612, the office may issue [two]
24 **three** types of certification to qualified applicants under this section:

25 “(a) Clinical sex offender therapist; [and]

26 “(b) Associate sex offender therapist; **and**

27 “(c) **Secondary associate sex offender therapist.**

28 “(3) To qualify as a certified clinical sex offender therapist, the applicant
29 must:

30 “(a) Be in compliance with applicable provisions and rules adopted by the

1 office;

2 “(b) Have at least a master’s degree in the behavioral sciences;

3 “(c) Have an active Oregon mental health professional license or equiv-
4 alent license as determined by the office;

5 “(d) Within not less than three years nor more than six years prior to
6 application, have had a minimum of 2,000 hours of direct clinical contact
7 with [*sex offenders*] **sexual abusers**, including:

8 “(A) 1,000 hours of direct treatment services; and

9 “(B) 500 hours of evaluations; and

10 “(e) Have a minimum of 60 hours of formal training applicable to [*sex*
11 *offender*] **sexual abuse specific** treatment and evaluation, achieved within
12 the three years prior to application.

13 “(4) To qualify as a certified associate sex offender therapist, the appli-
14 cant must:

15 “(a) Be in compliance with applicable provisions and rules adopted by the
16 office;

17 “(b) Have at least a bachelor’s degree in the behavioral sciences;

18 “(c) Have had a minimum of 1,000 hours of direct clinical contact with
19 [*sex offenders*] **sexual abusers**;

20 “(d) Have a minimum of 30 hours of formal training applicable to [*sex*
21 *offender*] **sexual abuse specific** treatment and evaluation, achieved within
22 the three years prior to application; and

23 “(e) Be under the direct supervision of a certified clinical sex offender
24 therapist.

25 “(5) To qualify as a certified secondary associate sex offender ther-
26 apist, the applicant must:

27 “(a) Be in compliance with applicable provisions and rules adopted
28 by the office;

29 “(b) Have at least a master’s degree in the behavioral sciences;

30 “(c) Have an active Oregon mental health professional license or

1 equivalent license as determined by the office or be a registered intern
2 for a mental health professional licensed in Oregon;

3 “(d) Have a minimum of 15 hours of formal training applicable to
4 sexual abuse specific treatment and evaluation, achieved within the
5 three years prior to application;

6 “(e) Be under the direct supervision of a certified clinical sex
7 offender therapist; and

8 “(f) Provide sexual abuse specific treatment services to not more
9 than nine clients in a calendar month, unless the applicant is accruing
10 hours to qualify for application as an associate sex offender therapist.

11 **“SECTION 4.** ORS 675.380 is amended to read:

12 “675.380. Upon receipt of an application and the applicable fees estab-
13 lished under ORS 676.592, the Health Licensing Office shall certify a clinical
14 sex offender therapist [*or*], associate sex offender therapist **or secondary**
15 **associate sex offender therapist** if the applicant provides evidence to the
16 satisfaction of the office that the applicant is recognized as a clinical sex
17 offender therapist [*or*], associate sex offender therapist **or secondary asso-**
18 **ciate sex offender therapist** in another state in which the requirements for
19 [*such*] recognition are, in the judgment of the office, in consultation with the
20 Sex Offender Treatment Board, at least equivalent to the requirements of
21 ORS 675.360 to 675.410 and rules of the office.

22 **“SECTION 5.** ORS 675.385 is amended to read:

23 “675.385. (1) In the manner prescribed in ORS chapter 183 for contested
24 cases, and at the direction of the Sex Offender Treatment Board, the Health
25 Licensing Office may impose a form of discipline listed in ORS 676.612
26 against [*any*] a certified **clinical** sex offender therapist, **certified associate**
27 **sex offender therapist or certified secondary associate sex offender**
28 **therapist** for any of the grounds listed in ORS 676.612 and for any violation
29 of the provisions of, **or rules adopted under**, ORS 675.360 to 675.410[, *or the*
30 *rules adopted thereunder*].

1 “(2) The office may impose disciplinary sanctions against a certified
2 **clinical sex offender therapist, certified associate sex offender therapist**
3 **or certified secondary associate sex offender therapist** for any of the
4 following reasons:

5 “(a) The person was convicted of violating ORS 675.390, or of a felony or
6 misdemeanor that brings into question the person’s competence or integrity
7 as a certified **clinical sex offender therapist, certified associate sex**
8 **offender therapist or certified secondary associate sex offender thera-**
9 **pist.**

10 “(b) The person’s mental health professional license, or equivalent license,
11 has been revoked, suspended or restricted by the issuing authority.

12 “(c) The person has violated ORS 675.370 [(3) to (5)] (1), or any rules
13 adopted by the office pertaining to certification.

14 “(d) The person has failed to file or has filed a false, misleading or in-
15 complete professional disclosure statement with the office.

16 “(e) The person has practiced beyond the scope of the person’s certifica-
17 tion under ORS 675.380.

18 **“SECTION 6.** ORS 675.395 is amended to read:

19 “675.395. (1) The Sex Offender Treatment Board is established within the
20 Health Licensing Office. The board shall consist of seven members appointed
21 by the Governor from lists of recommended persons submitted as provided in
22 subsection (2) of this section. All members of the board must be residents
23 of this state.

24 “(2) Of the members appointed to the board:

25 “(a) Two shall be from a list submitted by the Oregon Association for the
26 Treatment of Sexual Abusers;

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

29 “(c) One shall be from a list submitted by the Oregon Association of
30 Community Corrections Directors;

1 “(d) One shall be from a list submitted by the Oregon Juvenile Depart-
2 ment Directors Association; and

3 “(e) One shall be from a list submitted by a victims’ advocacy organiza-
4 tion.

5 “(3) The term of office of each member is four years, but a member serves
6 at the pleasure of the Governor. Vacancies shall be filled by the Governor
7 by appointment for the unexpired term. A member shall hold the member’s
8 office until the appointment and qualification of a successor. A member is
9 eligible for reappointment. If a person serves two consecutive full terms, a
10 period of at least four years must elapse before the person is again eligible
11 for appointment to serve on the board.

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

14 “(5) The board shall select one of its members to serve as chair and an-
15 other to serve as vice chair, for those terms and with such duties and powers
16 necessary for the performance of the functions of those offices as the board
17 determines.

18 “(6) A majority of the board constitutes a quorum for the transaction of
19 business.

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

23 “(8) A board member appointed under this section who is also a **certified**
24 clinical sex offender therapist [or], **certified** associate sex offender therapist
25 **or certified secondary associate sex offender therapist** must satisfy all
26 requirements for certification provided in ORS 675.375 and must obtain cer-
27 tification within 12 months of the member’s appointment.

28 “**SECTION 7.** ORS 676.992 is amended to read:

29 “676.992. (1) Except as provided in subsection (3) of this section, and in
30 addition to any other penalty or remedy provided by law, the Health Li-

1 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-
2 lation of the following statutes and any rule adopted under the following
3 statutes:

4 “(a) ORS 688.701 to 688.734 (athletic training);

5 “(b) ORS 690.005 to 690.225 (cosmetology);

6 “(c) ORS 680.500 to 680.565 (denture technology);

7 “(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct
8 entry midwifery);

9 “(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe
10 piercing, dermal implanting and scarification);

11 “(f) ORS 694.015 to 694.170 (dealing in hearing aids);

12 “(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

13 “(h) ORS chapter 700 (environmental sanitation);

14 “(i) ORS 675.360 to 675.410 (*[sex offender]* **sexual abuse specific** treat-
15 ment);

16 “(j) ORS 678.710 to 678.820 (nursing home administrators);

17 “(k) ORS 691.405 to 691.485 (dietitians);

18 “(L) ORS 676.612 (prohibited acts);

19 “(m) ORS 676.810 and 676.815 (applied behavior analysis);

20 “(n) ORS 681.700 to 681.730 (music therapy); and

21 “(o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure).

22 “(2) The office may take any other disciplinary action that it finds proper,
23 including but not limited to assessment of costs of disciplinary proceedings,
24 not to exceed \$5,000, for violation of any statute listed in subsection (1) of
25 this section or any rule adopted under any statute listed in subsection (1)
26 of this section.

27 “(3) Subsection (1) of this section does not limit the amount of the civil
28 penalty resulting from a violation of ORS 694.042.

29 “(4) In imposing a civil penalty under this section, the office shall con-
30 sider the following factors:

1 “(a) The immediacy and extent to which the violation threatens the public
2 health or safety;

3 “(b) Any prior violations of statutes, rules or orders;

4 “(c) The history of the person incurring a penalty in taking all feasible
5 steps to correct any violation; and

6 “(d) Any other aggravating or mitigating factors.

7 “(5) Civil penalties under this section shall be imposed as provided in
8 ORS 183.745.

9 “(6) The moneys received by the office from civil penalties under this
10 section shall be deposited in the Health Licensing Office Account and are
11 continuously appropriated to the office for the administration and enforce-
12 ment of the laws the office is charged with administering and enforcing that
13 govern the person against whom the penalty was imposed.

14 **“SECTION 8. Sections 9 and 10 of this 2017 Act are added to and
15 made a part of ORS 675.360 to 675.410.**

16 **“SECTION 9. (1) ORS 675.360 to 675.410 do not apply to:**

17 **“(a) A student enrolled in an approved educational program who is
18 pursuing a graduate degree in a mental health field, if the student
19 provides sexual abuse specific treatment services only for academic
20 credit as part of an organized and supervised training program.**

21 **“(b) A person employed by a local, state or federal government
22 agency, community mental health program or drug and alcohol treat-
23 ment program licensed or certified in this state, if the person’s activ-
24 ities and services are performed and provided within the person’s scope
25 of employment.**

26 **“(c) A person who is a recognized member of the clergy, if the
27 person is acting in the person’s capacity as a member of the clergy.**

28 **“(2) A person described in subsection (1) of this section may not use
29 the title ‘certified clinical sex offender therapist,’ ‘certified associate
30 sex offender therapist,’ ‘certified secondary associate sex offender**

1 therapist' or a similar title.

2 **“SECTION 10. A person who engages in the practice of sexual abuse**
3 **specific treatment as a certified clinical sex offender therapist, and**
4 **who did not hold an active Oregon mental health professional license**
5 **or equivalent license as determined by the Health Licensing Office as**
6 **of the date of the person’s initial certification, may continue to engage**
7 **in the practice of sexual abuse specific treatment as a certified clinical**
8 **sex offender therapist only if the person obtains an Oregon mental**
9 **health professional license or equivalent license as determined by the**
10 **office not later than January 1, 2021.**

11 **“SECTION 11. (1) Sections 8 and 9 of this 2017 Act and the amend-**
12 **ments to ORS 675.365, 675.370, 675.375, 675.380, 675.385, 675.395 and**
13 **676.992 by sections 1 to 7 of this 2017 Act become operative on January**
14 **1, 2018.**

15 **“(2) The Health Licensing Office and the Sex Offender Treatment**
16 **Board may take any action before the operative date specified in sub-**
17 **section (1) of this section that is necessary to enable the office and the**
18 **board to exercise, on or after the operative date specified in subsection**
19 **(1) of this section, all of the duties, functions and powers conferred**
20 **on the office and the board by sections 8 and 9 of this 2017 Act and the**
21 **amendments to ORS 675.365, 675.370, 675.375, 675.380, 675.385, 675.395 and**
22 **676.992 by sections 1 to 7 of this 2017 Act.**

23 **“SECTION 12. This 2017 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2017 Act takes effect on its passage.”.**

26