

Requested by HOUSE COMMITTEE ON JUDICIARY

**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*] **persons described in section 3 of this**
10 **2017 Act** while under the direct supervision of a certified clinical sex
11 offender therapist.

12 “(2) ‘Certified clinical sex offender therapist’ means a person who is cer-
13 tified under ORS 675.375 or 675.380 to provide services for the treatment and
14 rehabilitation of [*sex offenders*] **persons described in section 3 of this 2017**
15 **Act** and who may supervise certified associate sex offender therapists.

16 “(3) ‘**Certified secondary associate sex offender therapist**’ means a
17 **person who is certified under ORS 675.375 or 675.380 to provide limited**
18 **services for the treatment and rehabilitation of persons described in**
19 **section 3 of this 2017 Act under the direct supervision of a certified**
20 **clinical sex offender therapist.**

21 “[~~(3)~~] (4) ‘Certified sex offender therapist’ means a certified clinical sex

1 offender therapist [*or*], a certified associate sex offender therapist **or a cer-**
2 **tified secondary associate sex offender therapist.**

3 “[~~4~~] (5) ‘Direct supervision’ means a minimum of two hours of super-
4 vision by a certified clinical sex offender therapist for each:

5 “(a) 45 hours of direct clinical contact with a [*sex offender*] **person de-**
6 **scribed in section 3 of this 2017 Act, if the individual being supervised**
7 **is a certified associate sex offender therapist; or**

8 “(b) 10 hours of direct clinical contact with a person described in
9 **section 3 of this 2017 Act, if the individual being supervised is a certi-**
10 **fied secondary associate sex offender therapist.**

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

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

15 “(b) Philosophy and approach to treatment and rehabilitation of [*sex*
16 *offenders*] **persons described in section 3 of this 2017 Act;**

17 “(c) Formal education and training;

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

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

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

23 “[~~6~~] ‘*Sex offender*’ means a person convicted or adjudicated of a sex crime,
24 as defined in ORS 163A.005, or a sexual offense, as provided in ORS 163.305
25 to 163.467, and mandated by a court, a releasing authority, including the
26 Oregon Youth Authority, or the Oregon Health Authority to successfully com-
27 plete a sex offender treatment program.]

28 “(7) [*‘Sex offender treatment’*] **‘Sexual abuse specific treatment’** means
29 the process of evaluation, assessment and reformation of [*sex offenders*]
30 **persons described in section 3 of this 2017 Act.**

1 **“SECTION 2. Section 3 of this 2017 Act is added to and made a part**
2 **of ORS 675.360 to 675.410.**

3 **“SECTION 3. ORS 675.360 to ORS 675.410 applies to the provision of**
4 **sexual abuse specific treatment to any person, regardless of whether**
5 **the person:**

6 **“(1) Self-refers for sexual abuse specific treatment;**

7 **“(2) Has been convicted or adjudicated of a sex crime, as defined in**
8 **ORS 163A.005, or a sexual offense, as provided in ORS 163.305 to 163.467,**
9 **and mandated by a court, a releasing authority, including the Oregon**
10 **Youth Authority, or the Oregon Health Authority to successfully**
11 **complete a sexual abuse specific treatment program; or**

12 **“(3) Has been referred for sexual abuse specific treatment by:**

13 **“(a) The Department of Human Services;**

14 **“(b) A district school board, public charter school or public or pri-**
15 **vate institution of post-secondary education; or**

16 **“(c) A county program for aging persons, persons with disabilities**
17 **and veterans.**

18 **“SECTION 4. ORS 675.370 is amended to read:**

19 **“675.370. [(1) Unless a person has applied for and received certification**
20 **under ORS 675.375 or 675.380, a person may not claim certification as or rep-**
21 **resent that person to be a:]**

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

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

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

26 **“[(3) A person may not:]**

27 **“[(a) Attempt to obtain a certificate or renewal of a certificate under ORS**
28 **675.360 to 675.380 by bribery or fraudulent representation; or]**

29 **“[(b) Purport to the public to be engaged in the practice of sex offender**
30 **treatment under the title ‘clinical sex offender therapist’ or ‘associate sex**

1 *offender therapist' unless the person possesses an active certification under*
2 *ORS 675.360 to 675.380.]*

3 *"[(4) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the*
4 *practice of an individual's profession or to restrict a person from providing*
5 *counseling or therapy if the person or individual does not represent to the*
6 *public by title that the person or individual is a certified sex offender thera-*
7 *pist.]*

8 **"(1) A person may not:**

9 **"(a) Engage in the practice of sexual abuse specific treatment or**
10 **assume or use any title, words or abbreviations, including the title or**
11 **designation 'certified clinical sex offender therapist,' 'certified associ-**
12 **ate sex offender therapist' or 'certified secondary associate sex**
13 **offender therapist,' that indicate that the person is authorized to en-**
14 **gage in the practice of sexual abuse specific treatment unless the**
15 **person holds a certificate issued under ORS 675.375 or 675.380.**

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

18 **"(2) Subsection (1) of this section does not prohibit a person who is**
19 **authorized to practice a mental health profession other than sexual**
20 **abuse specific treatment under the laws of this state:**

21 **"(a) From practicing the person's mental health profession; or**

22 **"(b) From providing sexual abuse specific treatment if the provision**
23 **of sexual abuse specific treatment is within the person's scope of**
24 **practice.**

25 **"[(5)] (3) Each violation of [subsections (3) to (5)] subsection (1) of this**
26 **section is a separate violation.**

27 **"SECTION 5. ORS 675.375 is amended to read:**

28 **"675.375. (1) To obtain certification as a clinical sex offender therapist**
29 **[or], associate sex offender therapist or secondary associate sex offender**
30 **therapist, an applicant must complete an application developed and pre-**

1 scribed by the Sex Offender Treatment Board and file a professional disclo-
2 sure statement with the Health Licensing Office. The documents must be
3 accompanied by the applicable fees established under ORS 676.592.

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

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

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

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

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

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

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

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

16 “(d) Within not less than three years nor more than six years prior to
17 application, have had a minimum of 2,000 hours of direct clinical contact
18 with [*sex offenders*] **persons described in section 3 of this 2017 Act**, in-
19 cluding:

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

21 “(B) 500 hours of evaluations; and

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

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

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

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

30 “(c) Have had a minimum of 1,000 hours of direct clinical contact with

1 [sex offenders] **person described in section 3 of this 2017 Act;**

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

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

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

9 “**(a) Be in compliance with applicable provisions and rules adopted**
10 **by the office;**

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

12 “**(c) Have an active Oregon mental health professional license or**
13 **equivalent license as determined by the office or be a registered intern**
14 **for a mental health professional licensed in Oregon;**

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

18 “**(e) Be under the direct supervision of a certified clinical sex**
19 **offender therapist; and**

20 “**(f) Provide sexual abuse specific treatment services to not more**
21 **than nine clients in a calendar month, unless the applicant is accruing**
22 **hours to qualify for application as a certified associate sex offender**
23 **therapist.**

24 “**SECTION 6.** ORS 675.380 is amended to read:

25 “675.380. Upon receipt of an application and the applicable fees estab-
26 lished under ORS 676.592, the Health Licensing Office shall certify a clinical
27 sex offender therapist [or], associate sex offender therapist **or secondary**
28 **associate sex offender therapist** if the applicant provides evidence to the
29 satisfaction of the office that the applicant is recognized as a clinical sex
30 offender therapist [or], associate sex offender therapist **or secondary asso-**

1 **ciate sex offender therapist** in another state in which the requirements for
2 [*such*] recognition are, in the judgment of the office, in consultation with the
3 Sex Offender Treatment Board, at least equivalent to the requirements of
4 ORS 675.360 to 675.410 and rules of the office.

5 **“SECTION 7.** ORS 675.385 is amended to read:

6 “675.385. (1) In the manner prescribed in ORS chapter 183 for contested
7 cases, and at the direction of the Sex Offender Treatment Board, the Health
8 Licensing Office may impose a form of discipline listed in ORS 676.612
9 against [*any*] **a certified clinical sex offender therapist, certified associate**
10 **sex offender therapist or certified secondary associate sex offender**
11 **therapist** for any of the grounds listed in ORS 676.612 and for any violation
12 of the provisions of, **or rules adopted under,** ORS 675.360 to 675.410[, *or the*
13 *rules adopted thereunder*].

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

18 “(a) The person was convicted of violating ORS 675.390, or of a felony or
19 misdemeanor that brings into question the person’s competence or integrity
20 as a certified **clinical sex offender therapist, certified associate sex**
21 **offender therapist or certified secondary associate sex offender thera-**
22 **pist.**

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

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

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

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

1 **“SECTION 8.** ORS 675.395 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **“SECTION 9.** ORS 676.992 is amended to read:

12 “676.992. (1) Except as provided in subsection (3) of this section, and in
13 addition to any other penalty or remedy provided by law, the Health Li-
14 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-
15 lation of the following statutes and any rule adopted under the following
16 statutes:

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

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

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

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

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

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

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

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

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

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

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

1 “(L) ORS 676.612 (prohibited acts);

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

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

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

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

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

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

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

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

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

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

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

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

27 **“SECTION 10. Sections 11 and 12 of this 2017 Act are added to and**
28 **made a part of ORS 675.360 to 675.410.**

29 **“SECTION 11. (1) ORS 675.360 to 675.410 do not apply to:**

30 **“(a) A student enrolled in an approved educational program who is**

1 pursuing a graduate degree in a mental health field, if the student
2 provides sexual abuse specific treatment services only for academic
3 credit as part of an organized and supervised training program.

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

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

11 “(2) A person described in subsection (1) of this section may not use
12 the title ‘certified clinical sex offender therapist,’ ‘certified associate
13 sex offender therapist,’ ‘certified secondary associate sex offender
14 therapist’ or a similar title.

15 **“SECTION 12.** A person who engages in the practice of sexual abuse
16 specific treatment as a certified clinical sex offender therapist, and
17 who did not hold an active Oregon mental health professional license
18 or equivalent license as determined by the Health Licensing Office as
19 of the date of the person’s initial certification, may continue to engage
20 in the practice of sexual abuse specific treatment as a certified clinical
21 sex offender therapist only if the person obtains an Oregon mental
22 health professional license or equivalent license as determined by the
23 office not later than January 1, 2021.

24 **“SECTION 13.** (1) Sections 3, 11 and 12 of this 2017 Act and the
25 amendments to ORS 675.365, 675.370, 675.375, 675.380, 675.385, 675.395 and
26 676.992 by sections 1 and 4 to 9 of this 2017 Act become operative on
27 January 1, 2018.

28 “(2) The Health Licensing Office and the Sex Offender Treatment
29 Board may take any action before the operative date specified in sub-
30 section (1) of this section that is necessary to enable the office and the

1 board to exercise, on or after the operative date specified in subsection
2 (1) of this section, all of the duties, functions and powers conferred
3 on the office and the board by sections 3, 11 and 12 of this 2017 Act and
4 the amendments to ORS 675.365, 675.370, 675.375, 675.380, 675.385, 675.395
5 and 676.992 by sections 1 and 4 to 9 of this 2017 Act.

6 SECTION 14. This 2017 Act being necessary for the immediate
7 preservation of the public peace, health and safety, an emergency is
8 declared to exist, and this 2017 Act takes effect on its passage.”

9
