

Enrolled
House Bill 2472

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Sexual Assault Task Force)

CHAPTER

AN ACT

Relating to sexual offense therapy; creating new provisions; amending ORS 163A.030, 675.365, 675.370, 675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410, 676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017; repealing ORS 675.360; and prescribing an effective date.

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

SECTION 1. ORS 675.365 is amended to read:

675.365. As used in ORS 675.360 to 675.410:

(1) "Certified associate [*sex offender*] **sexual offense** therapist" means a person who is certified under ORS 675.375 or 675.380 to provide services for the treatment and rehabilitation of persons described in ORS 675.368 while under the direct supervision of a certified clinical [*sex offender*] **sexual offense** therapist.

(2) "Certified clinical [*sex offender*] **sexual offense** therapist" means a person who is certified under ORS 675.375 or 675.380 to provide services for the treatment and rehabilitation of persons described in ORS 675.368 and who may supervise certified associate [*sex offender*] **sexual offense** therapists, **certified secondary clinical sexual offense therapists and certified sexual offense therapist interns.**

(3) "Certified secondary [*associate sex offender*] **clinical sexual offense** therapist" means a person who is certified under ORS 675.375 or 675.380 to provide limited services for the treatment and rehabilitation of persons described in ORS 675.368 under the direct supervision of a certified clinical [*sex offender*] **sexual offense** therapist.

(4) "Certified [*sex offender*] **sexual offense** therapist" means a certified clinical [*sex offender*] **sexual offense** therapist, a certified associate [*sex offender*] **sexual offense** therapist, [*or*] a certified secondary [*associate sex offender*] **clinical sexual offense** therapist **or a certified sexual offense therapist intern.**

(5) "Certified sexual offense therapist intern" means a person who:

(a) **Has not completed the supervised clinical experience and training required to be a certified associate sexual offense therapist; and**

(b) **Is certified under ORS 675.375 to provide services for the treatment and rehabilitation of persons described in ORS 675.368 while under the direct supervision of a certified clinical sexual offense therapist.**

[5] (6) "Direct supervision" means a minimum **number** of [*two*] hours of supervision by a certified clinical [*sex offender*] **sexual offense** therapist [*for each:*] **required under ORS 675.375.**

[*(a) 45 hours of direct clinical contact with a person described in ORS 675.368, if the individual being supervised is a certified associate sex offender therapist; or*]

[*(b) 10 hours of direct clinical contact with a person described in ORS 675.368, if the individual being supervised is a certified secondary associate sex offender therapist.*]

[~~(6)~~ **(7)** “Professional disclosure statement” means a statement about an applicant for certification under ORS 675.375 or 675.380 that includes the following information:

(a) Name, business address and telephone number;

(b) Philosophy and approach to treatment and rehabilitation of persons described in ORS 675.368;

(c) Formal education and training;

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

(e) Fee schedules for sexual abuse specific treatment services; and

(f) The name, address and telephone number of the [*Sex Offender*] **Sexual Offense Treatment Board**.

[~~(7)~~ **(8)** “Sexual abuse specific treatment” means the process of evaluation, assessment and reformation of persons described in ORS 675.368.

SECTION 2. ORS 675.370 is amended to read:

675.370. (1) A person may not:

(a) Engage in the practice of sexual abuse specific treatment or assume or use any title, words or abbreviations, including the title or designation “certified clinical [*sex offender*] **sexual offense therapist**,” “certified associate [*sex offender*] **sexual offense therapist**,” [*or*] “certified secondary [*associate sex offender*] **clinical sexual offense therapist**,”] **or “certified sexual offense therapist intern,”** that indicate that the person is authorized to engage in the practice of sexual abuse specific treatment unless the person holds a certificate issued under ORS 675.375 or 675.380.

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

[~~(2) Subsection (1) of this section does not prohibit a person who is authorized to practice a mental health profession other than sexual abuse specific treatment under the laws of this state.~~]

[~~(a) From practicing the person’s mental health profession; or~~]

[~~(b) From providing sexual abuse specific treatment if the provision of sexual abuse specific treatment is within the person’s scope of practice.~~]

[~~(3)~~ **(2)** Each violation of subsection (1) of this section is a separate violation.

SECTION 3. ORS 675.375 is amended to read:

675.375. (1) To obtain certification as a clinical [*sex offender*] **sexual offense therapist**, associate [*sex offender*] **sexual offense therapist**, [*or*] secondary [*associate sex offender*] **clinical sexual offense therapist or sexual offense therapist intern**, an applicant must complete an application developed and prescribed by the [*Sex Offender*] **Sexual Offense Treatment Board** and file a professional disclosure statement with the Health Licensing Office. The documents must be accompanied by the applicable fees established under ORS 676.576.

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

(a) Clinical [*sex offender*] **sexual offense therapist**;

(b) Associate [*sex offender*] **sexual offense therapist**; [*and*]

(c) Secondary [*associate sex offender*] **clinical sexual offense therapist**; **and**

(d) Sexual offense therapist intern.

(3) To qualify as a certified clinical [*sex offender*] **sexual offense therapist**, the applicant must:

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

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

(c) Have an active Oregon mental health professional license or equivalent license as determined by the office;

(d) Within not [*less than three years nor*] more than six years prior to application, have had a minimum of 2,000 hours of direct clinical contact with persons described in ORS 675.368, including:

- (A) 1,000 hours of direct treatment services; and
- (B) 500 hours of evaluations; and
- (e) Have a minimum of 60 hours of formal training applicable to sexual abuse specific treatment and evaluation, achieved within the *[three]* **six** years prior to application.
- (4) To qualify as a certified associate *[sex offender]* **sexual offense** therapist, the applicant must:
 - (a) Be in compliance with applicable provisions and rules adopted by the office;
 - (b) Have at least a bachelor's degree in the behavioral sciences;
 - (c) Have had a minimum of 1,000 hours of direct clinical contact with persons described in ORS 675.368;
 - (d) Have a minimum of 30 hours of formal training applicable to sexual abuse specific treatment and evaluation, achieved within the three years prior to application; and
 - (e) Be under the direct supervision of a certified clinical *[sex offender]* **sexual offense** therapist.
- (5) To qualify as a certified secondary *[associate sex offender]* **clinical sexual offense** therapist, the applicant must:
 - (a) Be in compliance with applicable provisions and rules adopted by the office;
 - (b) Have at least a master's degree in the behavioral sciences;
 - (c) Have an active Oregon mental health professional license or equivalent license as determined by the office or be a registered intern for a mental health professional licensed in Oregon;
 - (d) Have a minimum of 15 hours of formal training applicable to sexual abuse specific treatment and evaluation, achieved within the three years prior to application;
 - (e) Be under the direct supervision of a certified clinical *[sex offender]* **sexual offense** therapist; and
 - (f) Provide sexual abuse specific treatment services to not more than nine clients in a calendar month, unless the applicant is accruing hours to qualify for application as a certified associate *[sex offender]* **sexual offense** therapist.
- (6) To qualify as a certified sexual offense therapist intern, the applicant must:**
 - (a) Be in compliance with applicable provisions and rules adopted by the office;**
 - (b) Have at least a bachelor's degree in the behavioral sciences; and**
 - (c) Be under the direct supervision of a certified clinical sexual offense therapist.**
- (7)(a) A certified associate sexual offense therapist and a certified sexual offense therapist intern must obtain:**
 - (A) A minimum of two hours of direct supervision, at least one hour of which must be individual supervision, in a month if the certified associate sexual offense therapist or certified sexual offense therapist intern has 45 or fewer hours in the month of direct clinical contact with a person described in ORS 675.368.**
 - (B) A minimum of three hours of direct supervision, at least 90 minutes of which must be individual supervision, in a month if the certified associate sexual offense therapist or certified sexual offense therapist intern has more than 45 hours in the month of direct clinical contact with a person described in ORS 675.368.**
 - (b) A certified secondary clinical sexual offense therapist must obtain at least two hours of direct supervision for every 10 hours of direct clinical contact with a person described in ORS 675.368.**

SECTION 4. ORS 675.380 is amended to read:

675.380. Upon receipt of an application and the applicable fees established under ORS 676.576, the Health Licensing Office shall certify a clinical *[sex offender]* **sexual offense** therapist, associate *[sex offender]* **sexual offense** therapist or secondary *[associate sex offender]* **clinical sexual offense** therapist if the applicant provides evidence to the satisfaction of the office that the applicant is recognized as a clinical *[sex offender]* **sexual offense** therapist, associate *[sex offender]* **sexual offense** therapist or secondary *[associate sex offender]* **clinical sexual offense** therapist in another state in which the requirements for recognition are, in the judgment of the office, in consultation with the *[Sex Offender]* **Sexual Offense** Treatment Board, at least equivalent to the requirements of ORS 675.360 to 675.410 and rules of the office.

SECTION 5. ORS 675.382 is amended to read:

675.382. [(1)] ORS 675.360 to 675.410 do not apply to:

[(a)] (1) A student enrolled in an approved educational program who is pursuing a graduate degree in a mental health field, if the student provides sexual abuse specific treatment services only for academic credit as part of an organized and supervised training program.

[(b)] (2) A person employed by a local, state or federal government agency, community mental health program or drug and alcohol treatment program licensed or certified in this state, if the person's activities and services are performed and provided within the person's scope of employment.

[(c)] (3) A person who is a recognized member of the clergy, if the person is acting in the person's capacity as a member of the clergy.

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

SECTION 6. ORS 675.384 is amended to read:

675.384. A person who engages in the practice of sexual abuse specific treatment as a certified clinical [*sex offender*] **sexual offense** therapist, and who did not hold an active Oregon mental health professional license or equivalent license as determined by the Health Licensing Office as of the date of the person's initial certification, may continue to engage in the practice of sexual abuse specific treatment as a certified clinical [*sex offender*] **sexual offense** therapist only if the person obtains an Oregon mental health professional license or equivalent license as determined by the office not later than January 1, 2021.

SECTION 7. ORS 675.385 is amended to read:

675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direction of the [*Sex Offender*] **Sexual Offense** Treatment Board, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against a certified clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [*or*] certified secondary [*associate sex offender*] **clinical sexual offense** therapist **or certified sexual offense therapist intern** for any of the grounds listed in ORS 676.612 and for any violation of the provisions of, or rules adopted under, ORS 675.360 to 675.410.

(2) The office may impose disciplinary sanctions against a certified clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [*or*] certified secondary [*associate sex offender*] **clinical sexual offense** therapist **or certified sexual offense therapist intern** for any of the following reasons:

(a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that brings into question the person's competence or integrity as a certified clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [*or*] certified secondary [*associate sex offender*] **clinical sexual offense** therapist **or certified sexual offense therapist intern**.

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

(c) The person has violated ORS 675.370 (1), or any rules adopted by the office pertaining to certification.

(d) The person has failed to file or has filed a false, misleading or incomplete professional disclosure statement with the office.

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

SECTION 8. Section 13, chapter 421, Oregon Laws 2017, is amended to read:

Sec. 13. (1) Not later than December 31, 2018, the Department of Corrections, the Oregon Health Authority and the Oregon Youth Authority shall each submit a report to the interim committees of the Legislative Assembly related to the judiciary in the manner provided in ORS 192.245. A report submitted under this section must include:

(a) A description of any complaints the submitting agency received against persons employed by the agency who provide sexual abuse specific treatment as defined in ORS 675.365 and who are not certified under ORS 675.375; and

(b) Any steps that the submitting agency would need to take to ensure that any of the agency's employees to whom ORS 675.360 to 675.410 do not apply because of [section 11 (1)(b) of this 2017 Act] **ORS 675.382 (2)** become certified under ORS 675.375 if [section 11 (1)(b) of this 2017 Act] **ORS 675.382 (2)** were to be repealed.

(2) A local, state or federal governmental agency, community mental health program or drug and alcohol treatment program licensed or certified by this state that employs a person to whom the requirements of ORS 675.360 to 675.410 do not apply because of [section 11 (1)(b) of this 2017 Act] **ORS 675.382 (2)** may submit the report described in subsection (1) of this section.

SECTION 9. ORS 675.390 is amended to read:

675.390. A certified [*sex offender*] **sexual offense** therapist, or any employee of a certified [*sex offender*] **sexual offense** therapist, may not disclose any communication made by a client during the course of noninvestigatory professional treatment or rehabilitation, except:

(1) When the client or a person authorized to act on behalf of the client gives consent to the disclosure;

(2) When the client initiates legal action or makes a complaint against a [*sex offender*] **sexual offense** therapist to the [*Sex Offender*] **Sexual Offense** Treatment Board;

(3) When the communication reveals the intent to commit a crime harmful to the client or others;

(4) When the communication reveals that a minor may have been a victim of a crime or physical, sexual or emotional abuse or neglect; or

(5) To juvenile and adult parole and probation officers supervising the client under a mandated sex offender treatment condition imposed by a court or releasing authority.

SECTION 10. ORS 675.395 is amended to read:

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

(2) Of the members appointed to the board:

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

(b) Two shall be from a list submitted by the Oregon Adolescent Sex Offending Treatment Network or a successor organization;

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

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

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

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

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

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

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

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

(8) A board member appointed under this section who is also a certified clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex offender*] **sexual offense** therapist or certified secondary [*associate sex offender*] **clinical sexual offense** therapist must satisfy all requirements for certification provided in ORS 675.375 and must obtain certification within 12 months of the member's appointment.

SECTION 11. ORS 675.400 is amended to read:

675.400. The [*Sex Offender*] **Sexual Offense** Treatment Board shall:

(1) Determine the qualifications and fitness of applicants for certification as clinical [*sex offender*] **sexual offense** therapists, [*or*] associate [*sex offender*] **sexual offense** therapists, **secondary clinical sexual offense therapists and sexual offense therapist interns** under ORS 675.360 to 675.380.

(2) Establish standards of practice and professional responsibility for persons certified by the Health Licensing Office.

(3) Adopt standards for training, including but not limited to training related to the treatment of distinct [*sex offender*] **sexual abuser** populations, including adults, juveniles, persons with developmental disabilities and others.

(4) Advise the office on all matters related to administering ORS 675.360 to 675.410 and recommend rules, standards and guidelines necessary for the administration of ORS 675.360 to 675.380.

SECTION 12. ORS 675.410 is amended to read:

675.410. (1) The Health Licensing Office shall:

(a) Issue certifications to persons determined by the office to be qualified.

(b) Make all disbursements necessary to carry out the provisions of ORS 675.360 to 675.410.

(c) Maintain a registry of all current certified [*sex offender*] **sexual offense** therapists. The registry shall be made available to the public online.

(d) Keep a record of its proceedings related to the issuance, refusal, suspension and revocation of certifications issued under ORS 675.360 to 675.380.

(e) In consultation with the [*Sex Offender*] **Sexual Offense** Treatment Board, create a multidisciplinary advisory committee within the board. Persons who are not board members may be appointed as nonvoting members to serve on the multidisciplinary advisory committee with the approval of the board.

(2) The office may:

(a) Deny, suspend, revoke or refuse to issue or renew any certification issued under ORS 675.360 to 675.380.

(b) Provide for waivers of examinations, grandfathering requirements and temporary certifications as considered appropriate.

(c) In consultation with the [*Sex Offender Treatment*] board, create any committees within the board as deemed necessary. Persons who are not board members may be appointed as nonvoting members to serve on the committees with the approval of the board.

CONFORMING AMENDMENTS

SECTION 13. ORS 163A.030 is amended to read:

163A.030. (1)(a) Except as provided in subsection (6) of this section, the juvenile court shall hold a hearing on the issue of reporting as a sex offender by a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime if:

(A) The person was adjudicated on or after August 12, 2015; or

(B) The person was adjudicated before August 12, 2015, and was still under the jurisdiction of the juvenile court or the Psychiatric Security Review Board on April 4, 2016.

(b) Unless the court continues the hearing described in this section for good cause, the hearing must be held:

(A) During the six-month period before the termination of juvenile court jurisdiction over the person; or

(B) During the six-month period after the court receives the notice described in subsection (2) of this section from the Psychiatric Security Review Board, if the person was placed under the jurisdiction of the board.

(c) The court shall notify the person of the person's right to a hearing under this section upon finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

(2)(a) The county or state agency responsible for supervising the person shall notify the person and the juvenile court when the agency determines that termination of jurisdiction is likely to occur within six months.

(b) If the Psychiatric Security Review Board discharges a person prior to the end of the board's jurisdiction over the person, the board shall notify the juvenile court within three business days after the discharge date.

(3) Upon receipt of the notice described in subsection (2) of this section, the court shall:

(a) Appoint an attorney for the person as described in subsection (4) of this section;

(b) Set an initial hearing date; and

(c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if the department or board is supervising or has jurisdiction over the person, of the hearing at least 60 days before the hearing date.

(4)(a) A person who is the subject of a hearing under this section has the right to be represented by a suitable attorney possessing skills and experience commensurate with the nature and complexity of the case, to consult with the attorney prior to the hearing and, if financially eligible, to have a suitable attorney appointed at state expense.

(b) In order to comply with the right to counsel under paragraph (a) of this subsection, the court may:

(A) Continue the appointment of the attorney appointed under ORS 419C.200 at the time of disposition;

(B) Set a date prior to the hearing under this section in order to reappoint the attorney appointed under ORS 419C.200; or

(C) Appoint or reappoint an attorney at any time in response to a request by the person who is the subject of a hearing under this section.

(5)(a) The district attorney shall notify the victim prior to the hearing of the right to appear and the right to be heard under ORS 419C.273.

(b) If the person is under the jurisdiction of the Psychiatric Security Review Board, the board shall notify the following of the hearing:

(A) The mental health agency providing services to the person, if any;

(B) The person's board defense attorney; and

(C) The assistant attorney general representing the state at board hearings.

(6)(a) A person may waive the right to the hearing described in this section after consultation with the person's attorney. If the court finds that the person has knowingly waived the right to a hearing, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(b) If a person fails to appear at a hearing described in this section, the court may enter an order requiring the person to report as a sex offender under ORS 163A.025.

(7) At the hearing described in subsection (1) of this section:

(a) The district attorney, the victim, the person and the juvenile department or a representative of the Oregon Youth Authority shall have an opportunity to be heard.

(b) The person who is the subject of the hearing has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the

public. If the court finds that the person has not met the burden of proof, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(8) In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:

- (a) The extent and impact of any physical or emotional injury to the victim;
 - (b) The nature of the act that subjected the person to the duty of reporting as a sex offender;
 - (c) Whether the person used or threatened to use force in committing the act;
 - (d) Whether the act was premeditated;
 - (e) Whether the person took advantage of a position of authority or trust in committing the act;
 - (f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;
 - (g) The vulnerability of the victim;
 - (h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;
 - (i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;
 - (j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;
 - (k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;
 - (L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:
 - (A) The availability, duration and extent of the treatment activities;
 - (B) Reports and recommendations from the providers of the treatment;
 - (C) The person's compliance with court, board or supervision requirements regarding treatment;
- and
- (D) The quality and thoroughness of the treatment program;
 - (m) The person's academic and employment history;
 - (n) The person's use of drugs or alcohol before and after the adjudication;
 - (o) The person's history of public or private indecency;
 - (p) The person's compliance with and success in completing the terms of supervision;
 - (q) The results of psychological examinations of the person;
 - (r) The protection afforded the public by records of sex offender registration; and
 - (s) Any other relevant factors.

(9) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(10)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile department, if either agency is supervising the person, or the Psychiatric Security Review Board, if the board has jurisdiction over the person, shall file with the juvenile court the following records and materials in the possession of the agency or board at least 45 days prior to the hearing unless good cause is shown:

- (A) Evaluations and treatment records concerning the person conducted by a clinician or program operating under the standards of practice for the evaluation and treatment of juvenile sex offenders adopted by the [*Sex Offender*] **Sexual Offense** Treatment Board under ORS 675.400, and recommendations contained therein regarding the need for the person to register in order to protect the public from future sex crimes;
- (B) All examination preparation material and examination records from polygraph examinations conducted by or for the treatment provider, juvenile department or Oregon Youth Authority; and
- (C) The Psychiatric Security Review Board exhibit file.

(b) Any records and materials filed with the court under this subsection shall be made available to the parties in accordance with ORS 419A.255.

(11) When the juvenile court enters an order described in subsection (7)(b) of this section, the court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.025. No later than three business days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

(12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court retains jurisdiction over a person for purposes of this section.

(13) As used in this section, "parties" means the person, the state as represented by the district attorney or the juvenile department, and the Oregon Youth Authority or other child care agency, if the person is temporarily committed to the authority or agency.

SECTION 14. ORS 676.565, as amended by section 22, chapter 61, Oregon Laws 2018, is amended to read:

676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and regulatory oversight and centralized service for the following boards, councils and programs:

- (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in ORS 688.800 to 688.840;
- (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- (9) [*Sex Offender*] **Sexual Offense** Treatment Board, as provided in ORS 675.360 to 675.410;
- (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
- (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
- (14) Art therapy, as provided in ORS 681.740 to 681.758; and
- (15) Lactation consultation, as provided in ORS 676.665 to 676.689.

SECTION 15. ORS 676.595, as amended by section 23, chapter 61, Oregon Laws 2018, is amended to read:

676.595. (1) As used in this section, "board" means the:

- (a) [*Sex Offender*] **Sexual Offense** Treatment Board established under ORS 675.395.
 - (b) Behavior Analysis Regulatory Board created under ORS 676.806.
 - (c) Long Term Care Administrators Board established under ORS 678.800.
 - (d) State Board of Denture Technology established under ORS 680.556.
 - (e) State Board of Direct Entry Midwifery established under ORS 687.470.
 - (f) Board of Athletic Trainers established under ORS 688.705.
 - (g) Respiratory Therapist and Polysomnographic Technologist Licensing Board established under ORS 688.820.
 - (h) Board of Licensed Dietitians established under ORS 691.485.
 - (i) Environmental Health Registration Board established under ORS 700.210.
- (2) Except to the extent that disclosure is necessary to conduct a full and proper investigation, the Health Licensing Office may not disclose information, including complaints and information identifying complainants, obtained by the office as part of an investigation conducted under:
- (a) ORS 675.360 to 675.410, 676.810 to 676.820, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840 or 691.405 to 691.485 or ORS chapter 700.
 - (b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:
 - (A) [*Sex offender therapy*] **Sexual abuse specific treatment** under ORS 675.360 to 675.410;
 - (B) Applied behavior analysis under ORS 676.810 to 676.820;

(C) Nursing home administration and residential care facility administration under ORS 678.710 to 678.820;

(D) The practice of denture technology under ORS 680.500 to 680.565;

(E) Direct entry midwifery under ORS 687.405 to 687.495;

(F) Athletic training under ORS 688.701 to 688.734;

(G) Respiratory care and polysomnography under ORS 688.800 to 688.840;

(H) Dietetics under ORS 691.405 to 691.485; or

(I) Environmental or waste water sanitation under ORS chapter 700.

(3) Notwithstanding subsection (2) of this section, if the office decides not to impose a disciplinary sanction after conducting an investigation described in subsection (2) of this section:

(a) The office shall disclose information obtained as part of the investigation if the person requesting the information demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

(b) The office may disclose to a complainant who made a complaint related to the investigation a written summary of information obtained as part of the investigation to the extent that disclosure is necessary to explain the office's decision. The person who is the subject of the investigation may review and obtain a copy of a written summary disclosed under this paragraph after the office has redacted any information identifying the complainant.

(4) Notwithstanding subsection (2) of this section, if a decision is made to impose a disciplinary sanction and to issue a notice of intent to impose a disciplinary sanction after conducting an investigation described in subsection (2) of this section, upon written request by the person who is the subject of the investigation, the office shall disclose to the person all information obtained by the office during the investigation, except that the office may not disclose:

(a) Information that is otherwise privileged or confidential under state or federal law.

(b) Information identifying a person who provided information that led to the investigation, unless the person will provide testimony at a hearing arising out of the investigation.

(c) Information identifying a complainant.

(d) Reports of expert witnesses.

(5) Information disclosed to a person under subsection (4) of this section may be further disclosed by the person only to the extent that disclosure is necessary to prepare for a hearing arising out of the investigation.

(6) The office shall disclose:

(a) Any notice related to the imposition of a disciplinary sanction.

(b) A final order related to the imposition of a disciplinary sanction.

(c) An emergency suspension order.

(d) A consent order or stipulated agreement that involves the conduct of a person against whom discipline is sought.

(e) Information to further an investigation into board conduct under ORS 192.685.

(7) The office must summarize the factual basis for the office's disposition of:

(a) A final order related to the imposition of a disciplinary sanction;

(b) An emergency suspension order; or

(c) A consent order or stipulated agreement that involves the conduct of a person against whom discipline is sought.

(8)(a) An office record or order, or any part of an office record or order, that is obtained during an investigation described in subsection (2) of this section, during a contested case proceeding or as a result of entering into a consent order or stipulated agreement is not admissible as evidence and may not preclude an issue or claim in a civil proceeding.

(b) This subsection does not apply to a proceeding between the office and a person against whom discipline is sought as otherwise authorized by law.

(9)(a) Notwithstanding subsection (2) of this section, the office is not publicly disclosing information when the office permits other public officials and members of the press to attend executive sessions where information obtained as part of an investigation is discussed. Public officials and

members of the press attending such executive sessions may not disclose information obtained as part of an investigation to any other member of the public.

(b) For purposes of this subsection, “public official” means a member, member-elect or employee of a public entity as defined in ORS 676.177.

(10) The office may establish fees reasonably calculated to reimburse the actual cost of disclosing information to a person against whom discipline is sought as required by subsection (4) of this section.

CAPTIONS

SECTION 16. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

DATES

SECTION 17. (1) The amendments to ORS 163A.030, 675.365, 675.370, 675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410, 676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017, by sections 1 to 15 of this 2019 Act and the repeal of ORS 675.360 by section 19 of this 2019 Act become operative on January 1, 2020.

(2) The Health Licensing Office and the Sex Offender Treatment Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office and the Sexual Offense Treatment Board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the office and the Sexual Offense Treatment Board by the amendments to ORS 163A.030, 675.365, 675.370, 675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410, 676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017, by sections 1 to 15 of this 2019 Act and the repeal of ORS 675.360 by section 19 of this 2019 Act.

SECTION 18. (1) The amendments to ORS 675.395 by section 10 of this 2019 Act are intended to change the name of the “Sex Offender Treatment Board” to the “Sexual Offense Treatment Board.”

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the “Sex Offender Treatment Board,” wherever they occur in statutory law, other words designating the “Sexual Offense Treatment Board.”

SECTION 19. ORS 675.360 is repealed.

SECTION 20. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Passed by House March 28, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 25, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State