

HOUSE AMENDMENTS TO HOUSE BILL 2472

By COMMITTEE ON JUDICIARY

March 26

1 On page 1 of the printed bill, line 2, delete “675.360.”

2 In line 4, after “676.595” insert “and section 13, chapter 421, Oregon Laws 2017; repealing ORS
3 675.360”.

4 Delete lines 6 through 30 and delete pages 2 through 6.

5 On page 7, delete lines 1 through 40 and insert:

6 “**SECTION 1.** ORS 675.365 is amended to read:

7 “675.365. As used in ORS 675.360 to 675.410:

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

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

17 “(3) ‘Certified secondary [*associate sex offender*] **clinical sexual offense** therapist’ means a per-
18 son who is certified under ORS 675.375 or 675.380 to provide limited services for the treatment and
19 rehabilitation of persons described in ORS 675.368 under the direct supervision of a certified clinical
20 [*sex offender*] **sexual offense** therapist.

21 “(4) ‘Certified [*sex offender*] **sexual offense** therapist’ means a certified clinical [*sex offender*]
22 **sexual offense** therapist, a certified associate [*sex offender*] **sexual offense** therapist, [*or*] a certi-
23 fied secondary [*associate sex offender*] **clinical sexual offense** therapist **or a certified sexual of-**
24 **fense therapist intern**.

25 “(5) ‘Certified sexual offense therapist intern’ means a person who:

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

28 “(b) **Is certified under ORS 675.375 to provide services for the treatment and rehabili-**
29 **tation of persons described in ORS 675.368 while under the direct supervision of a certified**
30 **clinical sexual offense therapist.**

31 “[5] (6) ‘Direct supervision’ means a minimum **number** of [*two*] hours of supervision by a cer-
32 tified clinical [*sex offender*] **sexual offense** therapist [*for each:*] **required under ORS 675.375.**

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

35 “[*(b) 10 hours of direct clinical contact with a person described in ORS 675.368, if the individual*]

1 *being supervised is a certified secondary associate sex offender therapist.]*

2 “[(6)] (7) ‘Professional disclosure statement’ means a statement about an applicant for certifica-
3 tion under ORS 675.375 or 675.380 that includes the following information:

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

5 “(b) Philosophy and approach to treatment and rehabilitation of persons described in ORS
6 675.368;

7 “(c) Formal education and training;

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

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

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

12 “[(7)] (8) ‘Sexual abuse specific treatment’ means the process of evaluation, assessment and re-
13 formation of persons described in ORS 675.368.

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

15 “675.370. (1) A person may not:

16 “(a) Engage in the practice of sexual abuse specific treatment or assume or use any title, words
17 or abbreviations, including the title or designation ‘certified clinical [*sex offender*] **sexual offense**
18 therapist,’ ‘certified associate [*sex offender*] **sexual offense** therapist,’ [or] ‘certified secondary [*as-*
19 *sociate sex offender*] **clinical sexual offense** therapist[,]’ or ‘**certified sexual offense therapist in-**
20 **tern,**’ that indicate that the person is authorized to engage in the practice of sexual abuse specific
21 treatment unless the person holds a certificate issued under ORS 675.375 or 675.380.

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

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

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

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

29 “[(3)] (2) Each violation of subsection (1) of this section is a separate violation.

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

31 “675.375. (1) To obtain certification as a clinical [*sex offender*] **sexual offense** therapist, associ-
32 ate [*sex offender*] **sexual offense** therapist, [or] secondary [*associate sex offender*] **clinical sexual**
33 **offense** therapist or **sexual offense therapist intern**, an applicant must complete an application
34 developed and prescribed by the [*Sex Offender*] **Sexual Offense** Treatment Board and file a profes-
35 sional disclosure statement with the Health Licensing Office. The documents must be accompanied
36 by the applicable fees established under ORS 676.576.

37 “(2) Subject to the provisions of ORS 676.612, the office may issue [*three*] **four** types of certi-
38 fication to qualified applicants under this section:

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

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

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

42 “(d) **Sexual offense therapist intern.**

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

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

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

1 “(c) Have an active Oregon mental health professional license or equivalent license as deter-
2 mined by the office;

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

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

6 “(B) 500 hours of evaluations; and

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

9 “(4) To qualify as a certified associate [*sex offender*] **sexual offense** therapist, the applicant
10 must:

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

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

13 “(c) Have had a minimum of 1,000 hours of direct clinical contact with persons described in ORS
14 675.368;

15 “(d) Have a minimum of 30 hours of formal training applicable to sexual abuse specific treatment
16 and evaluation, achieved within the three years prior to application; and

17 “(e) Be under the direct supervision of a certified clinical [*sex offender*] **sexual offense** thera-
18 pist.

19 “(5) To qualify as a certified secondary [*associate sex offender*] **clinical sexual offense** therapist,
20 the applicant must:

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

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

23 “(c) Have an active Oregon mental health professional license or equivalent license as deter-
24 mined by the office or be a registered intern for a mental health professional licensed in Oregon;

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

27 “(e) Be under the direct supervision of a certified clinical [*sex offender*] **sexual offense** thera-
28 pist; and

29 “(f) Provide sexual abuse specific treatment services to not more than nine clients in a calendar
30 month, unless the applicant is accruing hours to qualify for application as a certified associate [*sex*
31 *offender*] **sexual offense** therapist.

32 “(6) To qualify as a certified sexual offense therapist intern, the applicant must:

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

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

35 “(c) Be under the direct supervision of a certified clinical sexual offense therapist.

36 “(7)(a) A certified associate sexual offense therapist and a certified sexual offense thera-
37 pist intern must obtain:

38 “(A) A minimum of two hours of direct supervision, at least one hour of which must be
39 individual supervision, in a month if the certified associate sexual offense therapist or cer-
40 tified sexual offense therapist intern has 45 or fewer hours in the month of direct clinical
41 contact with a person described in ORS 675.368.

42 “(B) A minimum of three hours of direct supervision, at least 90 minutes of which must
43 be individual supervision, in a month if the certified associate sexual offense therapist or
44 certified sexual offense therapist intern has more than 45 hours in the month of direct clin-
45 ical contact with a person described in ORS 675.368.

1 “(b) A certified secondary clinical sexual offense therapist must obtain at least two hours
2 of direct supervision for every 10 hours of direct clinical contact with a person described in
3 ORS 675.368.

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

5 “675.380. Upon receipt of an application and the applicable fees established under ORS 676.576,
6 the Health Licensing Office shall certify a clinical [*sex offender*] **sexual offense** therapist, associate
7 [*sex offender*] **sexual offense** therapist or secondary [*associate sex offender*] **clinical sexual offense**
8 therapist if the applicant provides evidence to the satisfaction of the office that the applicant is
9 recognized as a clinical [*sex offender*] **sexual offense** therapist, associate [*sex offender*] **sexual of-**
10 **fense** therapist or secondary [*associate sex offender*] **clinical sexual offense** therapist in another
11 state in which the requirements for recognition are, in the judgment of the office, in consultation
12 with the [*Sex Offender*] **Sexual Offense** Treatment Board, at least equivalent to the requirements
13 of ORS 675.360 to 675.410 and rules of the office.

14 “**SECTION 5.** ORS 675.382 is amended to read:

15 “675.382. [(1)] ORS 675.360 to 675.410 do not apply to:

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

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

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

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

27 “**SECTION 6.** ORS 675.384 is amended to read:

28 “675.384. A person who engages in the practice of sexual abuse specific treatment as a certified
29 clinical [*sex offender*] **sexual offense** therapist, and who did not hold an active Oregon mental
30 health professional license or equivalent license as determined by the Health Licensing Office as
31 of the date of the person’s initial certification, may continue to engage in the practice of sexual
32 abuse specific treatment as a certified clinical [*sex offender*] **sexual offense** therapist only if the
33 person obtains an Oregon mental health professional license or equivalent license as determined by
34 the office not later than January 1, 2021.

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

36 “675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the di-
37 rection of the [*Sex Offender*] **Sexual Offense** Treatment Board, the Health Licensing Office may
38 impose a form of discipline listed in ORS 676.612 against a certified clinical [*sex offender*] **sexual**
39 **offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [or] certified secondary
40 [*associate sex offender*] **clinical sexual offense** therapist or **certified sexual offense therapist in-**
41 **tern** for any of the grounds listed in ORS 676.612 and for any violation of the provisions of, or rules
42 adopted under, ORS 675.360 to 675.410.

43 “(2) The office may impose disciplinary sanctions against a certified clinical [*sex offender*] **sex-**
44 **ual offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [or] certified sec-
45 ondary [*associate sex offender*] **clinical sexual offense** therapist or **certified sexual offense**

1 **therapist intern** for any of the following reasons:

2 “(a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that
3 brings into question the person’s competence or integrity as a certified clinical [*sex offender*] **sexual**
4 **offense** therapist, certified associate [*sex offender*] **sexual offense** therapist, [*or*] certified secondary
5 [*associate sex offender*] **clinical sexual offense** therapist or **certified sexual offense therapist in-**
6 **tern.**

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

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

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

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

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

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

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

22 “(b) Any steps that the submitting agency would need to take to ensure that any of the agency’s
23 employees to whom ORS 675.360 to 675.410 do not apply because of [*section 11 (1)(b) of this 2017*
24 *Act*] **ORS 675.382 (2)** become certified under ORS 675.375 if [*section 11 (1)(b) of this 2017 Act*] **ORS**
25 **675.382 (2)** were to be repealed.

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

30 “**SECTION 9.** ORS 675.390 is amended to read:

31 “675.390. A certified [*sex offender*] **sexual offense** therapist, or any employee of a certified [*sex*
32 *offender*] **sexual offense** therapist, may not disclose any communication made by a client during the
33 course of noninvestigatory professional treatment or rehabilitation, except:

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

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

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

40 “(4) When the communication reveals that a minor may have been a victim of a crime or phys-
41 ical, sexual or emotional abuse or neglect; or

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

44 “**SECTION 10.** ORS 675.395 is amended to read:

45 “675.395. (1) The [*Sex Offender*] **Sexual Offense** Treatment Board is established within the

1 Health Licensing Office. The board shall consist of seven members appointed by the Governor from
2 lists of recommended persons submitted as provided in subsection (2) of this section. All members
3 of the board must be residents of this state.

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

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

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

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

11 “(d) One shall be from a list submitted by the Oregon Juvenile Department Directors Associ-
12 ation; and

13 “(e) One shall be from a list submitted by a victims’ advocacy organization.

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

20 “(4) Members of the board are eligible for compensation and expenses as provided in ORS
21 292.495.

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

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

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

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

33 “**SECTION 11.** ORS 675.400 is amended to read:

34 “675.400. The [*Sex Offender*] **Sexual Offense** Treatment Board shall:

35 “(1) Determine the qualifications and fitness of applicants for certification as clinical [*sex*]
36 [*offender*] **sexual offense** therapists, [*or*] associate [*sex offender*] **sexual offense** therapists, **second-**
37 **ary clinical sexual offense therapists and sexual offense therapist interns** under ORS 675.360
38 to 675.380.

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

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

44 “(4) Advise the office on all matters related to administering ORS 675.360 to 675.410 and re-
45 commend rules, standards and guidelines necessary for the administration of ORS 675.360 to 675.380.

1 “**SECTION 12.** ORS 675.410 is amended to read:
2 “675.410. (1) The Health Licensing Office shall:
3 “(a) Issue certifications to persons determined by the office to be qualified.
4 “(b) Make all disbursements necessary to carry out the provisions of ORS 675.360 to 675.410.
5 “(c) Maintain a registry of all current certified [*sex offender*] **sexual offense** therapists. The
6 registry shall be made available to the public online.
7 “(d) Keep a record of its proceedings related to the issuance, refusal, suspension and revocation
8 of certifications issued under ORS 675.360 to 675.380.
9 “(e) In consultation with the [*Sex Offender*] **Sexual Offense** Treatment Board, create a multi-
10 disciplinary advisory committee within the board. Persons who are not board members may be ap-
11 pointed as nonvoting members to serve on the multidisciplinary advisory committee with the
12 approval of the board.
13 “(2) The office may:
14 “(a) Deny, suspend, revoke or refuse to issue or renew any certification issued under ORS
15 675.360 to 675.380.
16 “(b) Provide for waivers of examinations, grandfathering requirements and temporary certif-
17 ications as considered appropriate.
18 “(c) In consultation with the [*Sex Offender Treatment*] board, create any committees within the
19 board as deemed necessary. Persons who are not board members may be appointed as nonvoting
20 members to serve on the committees with the approval of the board.”
21 In line 44, delete “15” and insert “13”.
22 On page 10, line 32, delete “16” and insert “14”.
23 On page 11, line 7, delete “17” and insert “15”.
24 On page 12, line 45, delete “18” and insert “16”.
25 On page 13, delete lines 6 through 18 and insert:
26 “**SECTION 17.** (1) **The amendments to ORS 163A.030, 675.365, 675.370, 675.375, 675.380,**
27 **675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410, 676.565 and 676.595 and section 13,**
28 **chapter 421, Oregon Laws 2017, by sections 1 to 15 of this 2019 Act and the repeal of ORS**
29 **675.360 by section 19 of this 2019 Act become operative on January 1, 2020.**
30 “(2) **The Health Licensing Office and the Sex Offender Treatment Board may take any**
31 **action before the operative date specified in subsection (1) of this section that is necessary**
32 **to enable the office and the Sexual Offense Treatment Board to exercise, on and after the**
33 **operative date specified in subsection (1) of this section, all of the duties, functions and**
34 **powers conferred on the office and the Sexual Offense Treatment Board by the amendments**
35 **to ORS 163A.030, 675.365, 675.370, 675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395,**
36 **675.400, 675.410, 676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017, by sections**
37 **1 to 15 of this 2019 Act and the repeal of ORS 675.360 by section 19 of this 2019 Act.**
38 “**SECTION 18.** (1) **The amendments to ORS 675.395 by section 10 of this 2019 Act are in-**
39 **tended to change the name of the ‘Sex Offender Treatment Board’ to the ‘Sexual Offense**
40 **Treatment Board.’**
41 “(2) **For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
42 **may substitute for words designating the ‘Sex Offender Treatment Board,’ wherever they**
43 **occur in statutory law, other words designating the ‘Sexual Offense Treatment Board.’**
44 “**SECTION 19.** ORS 675.360 is repealed.
45 “**SECTION 20.** This 2019 Act takes effect on the 91st day after the date on which the 2019

1 **regular session of the Eightieth Legislative Assembly adjourns sine die.”.**
2 _____