

# House Bill 2949

Sponsored by Representatives BYNUM, ALONSO LEON, SCHOUTEN; Representative REARDON, Senator FREDERICK (at the request of Dr. Anjabeen Ashraf, Dr. Keleigh Blount, Dr. Nathaniel Brown, Dr. Tanya Johnson, OCBA, OCHA, OCFW, OCAPIA) (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Mental Health Regulatory Agency to establish program to improve Black, indigenous and people of color mental health workforce, including pipeline development, scholarships for undergraduates and stipends for graduate students, loan repayments and retention activities.

Directs agency to provide up to \$15,000 in student loan forgiveness to mental health professionals working in mental health professional shortage area.

Directs Oregon Health Authority to provide funding to counties, community mental health programs and organizations to support individuals to transition from incarceration back into community.

Directs Mental Health Agency to provide grants to licensed practitioners to pay costs of providing supervision of mental health practitioners in private practice.

Requires employers of mental health workers to pay supervision costs of workers.

Requires Oregon Health Authority to provide funding to Black, indigenous, people of color and immigrant communities to ensure access to mental health care.

Appropriates moneys to agency and authority to carry out provisions of Act.

Prohibits insurers from refusing to credential mental health associates.

Creates Task Force on Expanding the Mental Health Workforce. Specified membership and duties. Requires report to interim committees of Legislative Assembly with recommendations for loosening restrictions on formerly incarcerated individuals obtaining licenses to provide mental health care.

Limits to 1,200 number of hours of supervised clinical experience required to be licensed as professional counselor or marriage and family therapist.

Changes name of "licensed professional counselor intern" and "licensed marriage and family therapist intern" to "licensed professional counselor associate" and "licensed marriage and family therapist associate."

Declares emergency, effective on July 1, 2021.

## A BILL FOR AN ACT

1  
2 Relating to mental health; creating new provisions; amending ORS 675.375, 675.705, 675.720, 675.745,  
3 675.785 and 675.825; and declaring an emergency.

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

5 **SECTION 1. Sections 2, 4, 8 and 10 of this 2021 Act are added to and made a part of ORS**  
6 **675.160 to 675.178.**

7 **SECTION 2. (1) The Mental Health Regulatory Agency shall establish a program to ex-**  
8 **pend the mental health care workforce in communities of individuals who are Black,**  
9 **indigenous and people of color. The program must provide:**

10 (a) **Mental health care provider pipeline development;**

11 (b) **Scholarships for undergraduate students interested in careers in mental health care;**

12 (c) **Stipends for students enrolled in graduate mental health education programs;**

13 (d) **Mental health care workforce retention initiatives; and**

14 (e) **The student loan forgiveness program described in section 4 of this 2021 Act.**

15 (2) **The agency may adopt rules to carry out this section.**

16 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ated to the Mental Health Regulatory Agency, for the biennium beginning July 1, 2021, out  
2 of the General Fund, the amount of \$40,000,000, to be expended to carry out section 2 of this  
3 2021 Act.

4 **SECTION 4.** (1) The Mental Health Regulatory Agency shall establish a student loan  
5 forgiveness program for qualified mental health care providers who are:

- 6 (a) Licensed psychologists, as defined in ORS 675.010;
- 7 (b) Clinical social workers licensed under ORS 675.530;
- 8 (c) Master's social workers licensed under ORS 675.533;
- 9 (d) Clinical social work associates certified under ORS 675.537;
- 10 (e) Licensed marriage and family therapists, as defined in ORS 675.705; and
- 11 (f) Licensed professional counselors, as defined in ORS 675.705.

12 (2) The agency may award a qualified mental health care provider described in subsection  
13 (1) of this section a student loan forgiveness subsidy of up to the lesser of \$15,000 or the  
14 outstanding balance of the qualified mental health care provider's student loan if the quali-  
15 fied mental health care provider commits to two consecutive years of full-time practice in  
16 a:

- 17 (a) Publicly funded or public mental health facility;
- 18 (b) Nonprofit mental health facility that contracts with a county to provide mental health  
19 services; or
- 20 (c) Mental health professional shortage area, as defined by the agency by rule.

21 (3) The subsidy described in subsection (2) of this section applies only to the qualified  
22 mental health care provider's student loans incurred for the educational program that led  
23 to the qualified mental health care provider's licensure or certification described in sub-  
24 section (1) of this section.

25 (4) The agency may adopt rules to carry out this section.

26 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-  
27 ated to the Mental Health Regulatory Agency, for the biennium beginning July 1, 2021, out  
28 of the General Fund, the amount of \$3,000,000, to be expended to carry out section 4 of this  
29 2021 Act.

30 **SECTION 6.** The Oregon Health Authority shall provide funding to counties, community  
31 mental health programs and organizations providing transition services to individuals who  
32 are being reintegrated into the community following incarceration, to ensure that the rein-  
33 tegrating individuals have access to mental health care.

34 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-  
35 ated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the  
36 General Fund, the amount of \$10,000,000, which shall be expended to carry out section 6 of  
37 this 2021 Act.

38 **SECTION 8.** The Mental Health Regulatory Agency shall establish a program to provide  
39 grants to licensed psychologists, licensed marriage and family therapists and licensed pro-  
40 fessional counselors to provide supervised clinical experience to associates or other individ-  
41 uals who have the necessary education but need supervised clinical experience to obtain a  
42 license to practice:

- 43 (1) Psychology;
- 44 (2) Marriage and family therapy, as defined in ORS 675.705; or
- 45 (3) Professional counseling, as defined in ORS 675.705.

1       **SECTION 9.** In addition to and not in lieu of any other appropriation, there is appropri-  
2 ated to the Mental Health Regulatory Agency, for the biennium beginning July 1, 2021, out  
3 of the General Fund, the amount of \$5,000,000, to be expended to carry out section 8 of this  
4 2021 Act.

5       **SECTION 10.** A public or private entity that employs mental health care providers who  
6 supervise associates, interns or other individuals who must have supervised clinical experi-  
7 ence as a condition of licensure as a mental health care provider shall pay all costs incurred  
8 by the supervisor in providing supervision and the costs of the individual receiving super-  
9 vision if the supervisor is a:

- 10       (1) Licensed psychologist, as defined in ORS 675.010;
- 11       (2) Clinical social worker licensed under ORS 675.530;
- 12       (3) Master's social worker licensed under ORS 675.533;
- 13       (4) Licensed marriage and family therapist, as defined in ORS 675.705; or
- 14       (5) Licensed professional counselor, as defined in ORS 675.705.

15       **SECTION 11.** The Oregon Health Authority shall provide funding to community mental  
16 health programs to ensure access to mental health care for individuals in underserved com-  
17 munities who have faced disproportionate challenges from the impacts of COVID-19 includ-  
18 ing, but not limited to:

- 19       (1) Individuals who are Black, indigenous and people of color; and
- 20       (2) Undocumented immigrants.

21       **SECTION 12.** In addition to and not in lieu of any other appropriation, there is appro-  
22 priated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the  
23 General Fund, the amount of \$50,000,000, which shall be expended to carry out section 11 of  
24 this 2021 Act.

25       **SECTION 13.** Section 14 of this 2021 Act is added to and made a part of the Insurance  
26 Code.

27       **SECTION 14.** (1) An insurer offering a policy or certificate of health insurance in this  
28 state that reimburses the cost of mental or behavioral health care to beneficiaries of the  
29 health insurance policy or certificate may not refuse to credential individuals who are reg-  
30 istered as professional counselor associates or marriage and family therapist associates un-  
31 der ORS 675.720, acting within the scope of their practice, on the basis that they are not  
32 licensed.

- 33       (2) This section is exempt from ORS 743A.001.

34       **SECTION 15.** (1) The Task Force on Expanding the Mental Health Workforce is estab-  
35 lished.

- 36       (2) The task force consists of 11 members appointed as follows:

- 37       (a) The President of the Senate shall appoint:

- 38       (A) Two members from among members of the Senate.

- 39       (B) Three members who are mental health professionals or consumers of mental health  
40 services or who advocate for consumers of mental health services.

- 41       (b) The Speaker of the House of Representatives shall appoint:

- 42       (A) Two members from among members of the House of Representatives.

- 43       (B) Three members who are mental health professionals or consumers of mental health  
44 services or who advocate for consumers of mental health services.

- 45       (c) The Chief Justice of the Supreme Court shall appoint one member from the Judicial

1 **Department.**

2 (3) **The task force shall study approaches to loosening the restrictions on licensing indi-**  
 3 **viduals who were formerly incarcerated to allow them to be licensed as mental health care**  
 4 **providers.**

5 (4) **The task force may call witnesses or subpoena documents.**

6 (5) **A majority of the voting members of the task force constitutes a quorum for the**  
 7 **transaction of business.**

8 (6) **Official action by the task force requires the approval of a majority of the voting**  
 9 **members of the task force.**

10 (7) **The task force shall elect one of its members to serve as chairperson.**

11 (8) **If there is a vacancy for any cause, the appointing authority shall make an appoint-**  
 12 **ment to become immediately effective.**

13 (9) **The task force shall meet at times and places specified by the call of the chairperson**  
 14 **or of a majority of the voting members of the task force.**

15 (10) **The task force may adopt rules necessary for the operation of the task force.**

16 (11) **The task force shall submit a report in the manner provided by ORS 192.245, and**  
 17 **may include recommendations for legislation, to the interim committees of the Legislative**  
 18 **Assembly related to mental health no later than September 15, 2022.**

19 (12) **The Mental Health Regulatory Agency shall provide staff support to the task force.**

20 (13) **Members of the Legislative Assembly appointed to the task force are nonvoting**  
 21 **members of the task force and may act in an advisory capacity only.**

22 (14) **Members of the task force who are not members of the Legislative Assembly are not**  
 23 **entitled to compensation or reimbursement for expenses and serve as volunteers on the task**  
 24 **force.**

25 (15) **All agencies of state government, as defined in ORS 174.111, are directed to assist**  
 26 **the task force in the performance of the duties of the task force and, to the extent permitted**  
 27 **by laws relating to confidentiality, to furnish information and advice the members of the task**  
 28 **force consider necessary to perform their duties.**

29 **SECTION 16.** ORS 675.705 is amended to read:

30 675.705. As used in ORS 675.715 to 675.835:

31 (1) "Assessment" means assessment under standards developed by a national body responsible  
 32 for accrediting graduate training programs in clinical counseling for professional counselors or in  
 33 marriage and family therapy for marriage and family therapists.

34 (2) "Clinical experience" means the professional practice of applying psychotherapeutic princi-  
 35 ples and methods to provide assessment, diagnosis and treatment of mental disorders.

36 (3) "Licensed marriage and family therapist" means a person [*to whom a license has been*  
 37 *issued*] **licensed** under ORS 675.715.

38 (4) "Licensed professional counselor" means a person [*issued a license*] **licensed** under ORS  
 39 675.715.

40 (5) "Licensee" means a licensed professional counselor or a licensed marriage and family ther-  
 41 apist.

42 (6)(a) "Marriage and family therapy" means the assessment, diagnosis or treatment of mental,  
 43 emotional or behavioral disorders involving the application of family systems or other  
 44 psychotherapeutic principles and methods in the delivery of services to individuals, couples, chil-  
 45 dren, families, groups or organizations.

1 (b) "Marriage and family therapy" may include, but is not limited to:

2 (A) Application of counseling techniques for the purpose of resolving intrapersonal or interper-  
3 sonal conflict or changing perceptions, attitudes, behaviors or interactional processes in the area  
4 of human relationships and family life;

5 (B) Provision of services to address wellness or optimal functioning in human relationships or  
6 family life;

7 (C) Research activities, including reporting, designing or conducting research in marriage and  
8 family therapy with human subjects;

9 (D) Referral activities, including the referral to other specialists when indicated to provide  
10 ethical treatment;

11 (E) Consulting activities that apply marriage and family therapy procedures to provide assist-  
12 ance to organizations that support or enrich marriage and family life; and

13 (F) Record keeping activities, including documentation of counseling treatment, therapeutic  
14 services or clinical supervision.

15 (7)(a) "Professional counseling" means the assessment, diagnosis or treatment of mental, emo-  
16 tional or behavioral disorders involving the application of mental health counseling or other  
17 psychotherapeutic principles and methods in the delivery of services to individuals, couples, chil-  
18 dren, families, groups or organizations.

19 (b) "Professional counseling" may include, but is not limited to:

20 (A) Application of intervention methods based on cognitive, affective, behavioral, systemic or  
21 human development principles;

22 (B) Provision of counseling services to address personal growth or wellness;

23 (C) Definition of goals and the planning of action reflecting interests, abilities, aptitudes or  
24 needs as they relate to problems, disabilities or concerns in personal, social, educational, rehabili-  
25 tation or career adjustments;

26 (D) Research activities, including reporting, designing or conducting research in counseling with  
27 human subjects;

28 (E) Referral activities, including the referral to other specialists when indicated to provide eth-  
29 ical treatment;

30 (F) Consulting activities that apply counseling procedures and interpersonal skills to provide  
31 assistance in solving problems relating to an individual, group or organization; and

32 (G) Record keeping activities, including documentation of counseling treatment, therapeutic  
33 services or clinical supervision.

34 (8) "Registered [*intern*] **associate**" means an applicant for licensure who is registered to obtain  
35 post-degree supervised clinical experience toward licensure according to an approved plan pursuant  
36 to ORS 675.720.

37 **SECTION 17.** ORS 675.720 is amended to read:

38 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-  
39 quired by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of  
40 Licensed Professional Counselors and Therapists that the applicant has the required supervised  
41 clinical experience, the applicant must register [*an internship*] a plan to obtain acceptable post-  
42 degree supervised clinical experience to qualify for a license as a professional counselor or as a  
43 marriage and family therapist.

44 (2) To register as a professional counselor [*intern*] **associate** or as a marriage and family ther-  
45 apist [*intern*] **associate** under this section, the applicant shall submit in the form and manner de-

1 terminated by the board:

2 (a) A request for registration; and

3 (b) A plan to obtain or complete the supervised clinical experience required for licensure.

4 (3) The board shall register the applicant as an *[intern]* **associate** upon receipt and approval of  
5 the completed request and plan required in subsection (2) of this section.

6 (4)(a) A registered *[intern]* **associate** must renew the certificate of registration annually on or  
7 before the first day of the month in which the board approved the initial registration. To renew a  
8 certificate of registration, a registered *[intern]* **associate** shall:

9 (A) Submit a renewal application in the form and manner established by the board accompanied  
10 by a renewal fee pursuant to ORS 675.785; and

11 (B) Document fulfillment of all other requirements established by the board by rule.

12 (b) Failure to renew a registration within 30 days of the annual renewal date terminates the  
13 registration and the application for licensure.

14 (5) Registered *[interns]* **associates** are subject to all ethical standards adopted by the board.

15 **(6) In adopting rules related to supervision under this section, the board may not require**  
16 **a registered associate to obtain more than 1,200 hours of supervised clinical experience.**

17 **SECTION 18.** ORS 675.745 is amended to read:

18 675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny,  
19 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon  
20 proof that the applicant for licensure or the licensee:

21 (a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or ter-  
22 ritory or against the federal government that brings into question the competence of the licensee  
23 in the role of a counselor or a therapist;

24 (b) Is unable to perform the practice of professional counseling or marriage and family therapy  
25 by reason of physical illness;

26 (c) Has an impairment as defined in ORS 676.303;

27 (d) Has been grossly negligent in the practice of professional counseling or marriage and family  
28 therapy;

29 (e) Has violated any provision of ORS 675.715 to 675.835 or 675.850;

30 (f) Has violated any rule of the board pertaining to the licensure of professional counselors or  
31 licensed marriage and family therapists;

32 (g) Has failed to file a professional disclosure statement or has filed a false, incomplete or mis-  
33 leading professional disclosure statement;

34 (h) Has practiced outside the scope of activities, including administering, constructing or inter-  
35 preting tests or diagnosing or treating mental disorders, for which the licensee has individual  
36 training and qualification;

37 (i) Has been disciplined by a state mental health licensing board or program in this or any other  
38 state for violation of competency or conduct standards; or

39 (j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005  
40 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to  
41 a sex crime as defined in ORS 163A.005.

42 (2)(a) The board may reprimand or impose probation on a licensee or a registered *[intern]* **as-**  
43 **sociate** upon proof of any of the grounds for discipline provided in subsection (1) of this section.

44 (b) If the board elects to place a licensee or a registered *[intern]* **associate** on probation, the  
45 board may impose:

1 (A) Restrictions on the scope of practice of the licensee or *[intern]* **associate**;

2 (B) Requirements for specific training;

3 (C) Supervision of the practice of the licensee or *[intern]* **associate**; or

4 (D) Other conditions the board finds necessary for the protection of the public.

5 (3) The board may initiate injunctive proceedings in any circuit court against persons violating  
6 any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

7 (4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for  
8 each ground for discipline listed in subsection (1) of this section found by the board.

9 (5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for  
10 each violation of or failure to observe any limitation or condition imposed by the board on the  
11 licensee's or registered *[intern's]* **associate's** practice under subsection (2) of this section.

12 (6) Information that the board obtains as part of an investigation into licensee or applicant  
13 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving  
14 licensee or applicant conduct is confidential as provided under ORS 676.175.

15 (7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may  
16 take such disciplinary action as the board in its discretion finds proper, including but not limited  
17 to the assessment of the costs of the disciplinary process.

18 **SECTION 19.** ORS 675.785 is amended to read:

19 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following  
20 powers and duties:

21 (1) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules  
22 necessary for the administration of the laws the board is charged with administering.

23 (2) Subject to applicable provisions of the State Personnel Relations Law, the board may ap-  
24 point, prescribe the duties and fix the compensation of employees of the board necessary to carry  
25 out the duties of the board.

26 (3) The board may impose nonrefundable fees in an amount set by rule for the following:

27 (a) License application.

28 (b) First issuance of a license.

29 (c) Renewal of a license.

30 (d) Late filing of a license renewal.

31 (e) Renewal of registration as an *[intern]* **associate**.

32 (f) Examinations. Examination fees may not exceed the costs incurred in administering the par-  
33 ticular examination. Fees established under this subsection are subject to prior approval of the  
34 Oregon Department of Administrative Services and a report to the Emergency Board prior to  
35 adopting the fees and must be within the budget authorized by the Legislative Assembly as that  
36 budget may be modified by the Emergency Board.

37 (4) The board shall:

38 (a) Maintain a register of all current licensed professional counselors and marriage and family  
39 therapists.

40 (b) Annually publish a directory listing all current licensed professional counselors and marriage  
41 and family therapists. The directory must be available to the public, and the board may collect a  
42 publication fee for the directory.

43 (5) The board shall:

44 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted  
45 under authority of the board.

1 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon receipt of a complaint under ORS 675.715 to 675.835 against a licensed or unlicensed person, the board shall conduct an investigation as described under ORS 676.165.

4 (6) The board shall report to the Legislative Assembly concerning the activities of the board during the preceding biennium.

6 (7) The board shall form standards committees to establish, examine and pass on the qualifications of applicants to practice professional counseling or marriage and family therapy in this state, including standards and requirements for continuing education and supervision, as appropriate. The standards committee for professional counselors shall be made up of the professional counselors on the board, the faculty member and the public member. The standards committee for marriage and family therapists shall be made up of the marriage and family members of the board, the faculty member and the public member.

13 (8) The board shall grant licenses to applicants who qualify to practice professional counseling or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the rules of the board.

16 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas to compel the attendance of witnesses and the production of documents or written information necessary to carry out ORS 675.715 to 675.835.

19 (10) The board may adopt a seal to be affixed to all licenses.

20 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes of professional counseling and marriage and family therapy associations as models for the code established by the board.

23 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835, including, but not limited to, the adoption of rules to establish semester hour equivalents for qualification for licensing where quarter hours are required under ORS 675.715 to 675.835.

26 (13) The board shall require the applicant for a professional counselor license or a marriage and family therapy license to receive a passing score on an examination of competency in counseling or marriage and family therapy. The examination may be the examination given nationally to certify counselors, or in the case of marriage and family therapy, the examination approved by the Association of Marital and Family Therapy Regulatory Boards.

31 (14) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the board may require the fingerprints of a person who is:

- 33 (a) Applying for a license that is issued by the board;
- 34 (b) Applying for renewal of a license that is issued by the board; or
- 35 (c) Under investigation by the board.

36 (15) The board shall prescribe, in consultation with the Oregon Board of Psychology, the duties of the Director of the Mental Health Regulatory Agency.

38 **SECTION 20.** ORS 675.825 is amended to read:

39 675.825. (1) A person may not:

40 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent representation.

42 (b) Engage in or purport to the public to be engaged in the practice of professional counseling under the title "licensed professional counselor" unless the person is a licensee.

44 (c) Engage in or purport to the public to be engaged in the practice of marriage and family therapy under the title of "licensed marriage and family therapist" unless the person is a licensee.



1 (d) Engage in the practice of professional counseling or marriage and family therapy unless:

2 (A) The person is a licensee, registered [*intern*] **associate** or graduate student pursuing a grad-  
3 uate degree in counseling or marriage and family therapy; or

4 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-  
5 section (3) of this section.

6 (e) Provide counseling or therapy services of a psychotherapeutic nature if the person's license  
7 to practice as a professional counselor or as a marriage and family therapist has been revoked by  
8 the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged  
9 in sexual activity with a client.

10 (2) A licensed psychologist whose license, or a regulated social worker whose authorization to  
11 practice regulated social work, was issued prior to October 1, 1991, may use the title "marriage and  
12 family therapist."

13 (3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:

14 (a) Licensed, certified, registered or similarly regulated under the laws of this state and who is  
15 performing duties within the authorized scope of practice of the license, certification, registration  
16 or regulation.

17 (b) A recognized member of the clergy, provided that the person is acting in the person's  
18 ministerial capacity.

19 (c) Employed by a local, state or federal agency, a public university listed in ORS 352.002 or any  
20 agency licensed or certified by the state to provide mental health or health services, if the person's  
21 activities constituting professional counseling or marriage and family therapy are performed within  
22 the scope of the person's employment.

23 (d) Authorized to provide addiction treatment services under rules of the Department of Human  
24 Services.

25 (4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person's profession  
26 or restricts a person from providing counseling services or services related to marriage and family  
27 if the person:

28 (a) Does not meet the requirements of ORS 675.715 (1)(b); or

29 (b) Does not practice:

30 (A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or

31 (B) Professional counseling as defined in ORS 675.705 (7)(a).

32 (5) Each violation of this section is a separate violation.

33 (6) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of this  
34 section.

35 **SECTION 21.** ORS 675.375 is amended to read:

36 675.375. (1) To obtain certification as a clinical sexual offense therapist, associate sexual offense  
37 therapist, secondary clinical sexual offense therapist or sexual offense therapist intern, an applicant  
38 must complete an application developed and prescribed by the Sexual Offense Treatment Board and  
39 file a professional disclosure statement with the Health Licensing Office. The documents must be  
40 accompanied by the applicable fees established under ORS 676.576.

41 (2) Subject to the provisions of ORS 676.612, the office may issue four types of certification to  
42 qualified applicants under this section:

43 (a) Clinical sexual offense therapist;

44 (b) Associate sexual offense therapist;

45 (c) Secondary clinical sexual offense therapist; and

- 1 (d) Sexual offense therapist intern.
- 2 (3) To qualify as a certified clinical sexual offense therapist, the applicant must:
- 3 (a) Be in compliance with applicable provisions and rules adopted by the office;
- 4 (b) Have at least a master's degree in the behavioral sciences;
- 5 (c) Have an active Oregon mental health professional license or equivalent license as determined
- 6 by the office;
- 7 (d) Within not more than six years prior to application, have had a minimum of 2,000 hours of
- 8 direct clinical contact with persons described in ORS 675.368, including:
- 9 (A) 1,000 hours of direct treatment services; and
- 10 (B) 500 hours of evaluations; and
- 11 (e) Have a minimum of 60 hours of formal training applicable to sexual abuse specific treatment
- 12 and evaluation, achieved within the six years prior to application.
- 13 (4) To qualify as a certified associate sexual offense therapist, the applicant must:
- 14 (a) Be in compliance with applicable provisions and rules adopted by the office;
- 15 (b) Have at least a bachelor's degree in the behavioral sciences;
- 16 (c) Have had a minimum of 1,000 hours of direct clinical contact with persons described in ORS
- 17 675.368;
- 18 (d) Have a minimum of 30 hours of formal training applicable to sexual abuse specific treatment
- 19 and evaluation, achieved within the three years prior to application; and
- 20 (e) Be under the direct supervision of a certified clinical sexual offense therapist.
- 21 (5) To qualify as a certified secondary clinical sexual offense therapist, the applicant must:
- 22 (a) Be in compliance with applicable provisions and rules adopted by the office;
- 23 (b) Have at least a master's degree in the behavioral sciences;
- 24 (c) Have an active Oregon mental health professional license or equivalent license as determined
- 25 by the office or be a registered intern **or associate** for a mental health professional licensed in
- 26 Oregon;
- 27 (d) Have a minimum of 15 hours of formal training applicable to sexual abuse specific treatment
- 28 and evaluation, achieved within the three years prior to application;
- 29 (e) Be under the direct supervision of a certified clinical sexual offense therapist; and
- 30 (f) Provide sexual abuse specific treatment services to not more than nine clients in a calendar
- 31 month, unless the applicant is accruing hours to qualify for application as a certified associate
- 32 sexual offense therapist.
- 33 (6) To qualify as a certified sexual offense therapist intern, the applicant must:
- 34 (a) Be in compliance with applicable provisions and rules adopted by the office;
- 35 (b) Have at least a bachelor's degree in the behavioral sciences; and
- 36 (c) Be under the direct supervision of a certified clinical sexual offense therapist.
- 37 (7)(a) A certified associate sexual offense therapist and a certified sexual offense therapist intern
- 38 must obtain:
- 39 (A) A minimum of two hours of direct supervision, at least one hour of which must be individual
- 40 supervision, in a month if the certified associate sexual offense therapist or certified sexual offense
- 41 therapist intern has 45 or fewer hours in the month of direct clinical contact with a person de-
- 42 scribed in ORS 675.368.
- 43 (B) A minimum of three hours of direct supervision, at least 90 minutes of which must be indi-
- 44 vidual supervision, in a month if the certified associate sexual offense therapist or certified sexual
- 45 offense therapist intern has more than 45 hours in the month of direct clinical contact with a person

1 described in ORS 675.368.

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

4 **SECTION 22. Section 15 of this 2021 Act is repealed on December 31, 2022.**

5 **SECTION 23. This 2021 Act being necessary for the immediate preservation of the public  
6 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
7 on July 1, 2021.**

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