

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2949**

1 On page 1 of the printed bill, delete lines 5 through 16 and delete pages
2 2 through 11 and insert:

3 **“SECTION 1. The Behavioral Health Incentive Subaccount is cre-**
4 **ated in the Health Care Provider Incentive Fund established in ORS**
5 **676.450. The Behavioral Health Incentive Subaccount consists of mon-**
6 **eys appropriated to the subaccount by the Legislative Assembly and**
7 **gifts, grants and donations from public or private sources. Moneys in**
8 **the subaccount are continuously appropriated to the Oregon Health**
9 **Authority to carry out section 2 of this 2021 Act.**

10 **“SECTION 2. (1) The Oregon Health Authority shall provide incen-**
11 **tives to increase the recruitment and retention of providers in the**
12 **behavioral health care workforce with associate, bachelor’s, master’s,**
13 **or doctoral degrees or other credentials who are people of color, tribal**
14 **members or residents of rural areas in this state and who can provide**
15 **culturally responsive behavioral health services to:**

16 **“(a) Tribal members;**

17 **“(b) People of color;**

18 **“(c) Lesbian, gay, bisexual and transgender youth;**

19 **“(d) Veterans;**

20 **“(e) Persons with disabilities;**

21 **“(f) Individuals with intellectual and developmental disabilities;**

1 “(g) Individuals with limited English proficiency;
2 “(h) Individuals working in correctional facilities; and
3 “(i) Other underserved communities.
4 “(2) The authority shall increase access to services for rural and
5 underserved communities by:
6 “(a) Expanding funding to provide incentives to culturally specific
7 peers, traditional health workers, unlicensed, licensed or certified
8 providers of behavioral health care and licensed prescribers.
9 “(b) Developing programs and providing incentives to increase the
10 number of individuals training for and entering the field of behavioral
11 health and to improve the retention of behavioral health care provid-
12 ers in this state through:
13 “(A) Scholarships for undergraduate and graduate students going
14 into the behavioral health field;
15 “(B) Loan forgiveness and repayment incentives for qualified be-
16 havioral health care providers;
17 “(C) Housing assistance;
18 “(D) Sign-on bonuses;
19 “(E) Part-time and flex time opportunities;
20 “(F) Retention bonuses;
21 “(G) Professional development;
22 “(H) Tax subsidies;
23 “(I) Child care subsidies;
24 “(J) Subsidized dual certification with a specific focus on rural and
25 vulnerable populations and pay equity;
26 “(K) Tuition assistance;
27 “(L) Bonuses and stipends for supervisors of interns;
28 “(M) Licensing examination preparation;
29 “(N) Stipends for students enrolled in graduate behavioral health
30 programs; or

1 **“(O) Other programs and incentives.**

2 **“(3) The authority shall develop a program to award qualified**
3 **mental health care providers student loan forgiveness or student loan**
4 **repayment subsidies if the qualified mental health care provider com-**
5 **mits to two consecutive years of full-time practice in:**

6 **“(a) A publicly funded or public mental health facility;**

7 **“(b) A nonprofit mental health facility that contracts with a county**
8 **to provide mental health services;**

9 **“(c) A mental health professional shortage area, as defined by the**
10 **authority by rule; or**

11 **“(d) Other programs or facilities that serve the communities de-**
12 **scribed in subsection (1) of this section.**

13 **“(4) The subsidy described in subsection (3) of this section applies**
14 **only to a qualified mental health care provider’s student loans in-**
15 **curred for the educational program that led to the qualified mental**
16 **health care provider’s licensure or certification as:**

17 **“(a) A licensed psychologist, as defined in ORS 675.010;**

18 **“(b) A clinical social worker licensed under ORS 675.530;**

19 **“(c) A master’s social worker licensed under ORS 675.533;**

20 **“(d) A clinical social work associate certified under ORS 675.537;**

21 **“(e) A licensed marriage and family therapist, as defined in ORS**
22 **675.705; or**

23 **“(f) A licensed professional counselor, as defined in ORS 675.705.**

24 **“(5) The authority may adopt rules to carry out this section.**

25 **“SECTION 3. In addition to and not in lieu of any other appropri-**
26 **ation, there is appropriated to the Oregon Health Authority, for de-**
27 **posit to the Behavioral Health Incentive Subaccount created in section**
28 **1 of this 2021 Act, \$110,000,000, to be expended to carry out section 2**
29 **of this 2021 Act.**

30 **“SECTION 4. The Oregon Health Authority shall provide funding**

1 to counties, community mental health programs and organizations to
2 provide new or to increase existing transition services to individuals
3 who are being reintegrated into the community following incarcer-
4 ation, to ensure that the reintegrating individuals have access to
5 mental health care.

6 **“SECTION 5.** In addition to and not in lieu of any other appropri-
7 ation, there is appropriated to the Oregon Health Authority, for the
8 biennium beginning July 1, 2021, out of the General Fund, the amount
9 of \$20,000,000, which shall be expended to carry out section 4 of this
10 2021 Act.

11 **“SECTION 6.** (1) The Oregon Health Authority shall establish a
12 program to provide grants to licensed psychologists, licensed marriage
13 and family therapists, licensed professional counselors and licensed
14 clinical social workers to provide supervised clinical experience to as-
15 sociates or other individuals who have the necessary education but
16 need supervised clinical experience to obtain a license to practice:

17 **“(a) Psychology;**

18 **“(b) Marriage and family therapy, as defined in ORS 675.705;**

19 **“(c) Professional counseling, as defined in ORS 675.705; or**

20 **“(d) Clinical social work, as defined in ORS 675.510.**

21 **“(2) The authority shall adopt rules to carry out the provisions of**
22 **this section.**

23 **“SECTION 7.** In addition to and not in lieu of any other appropri-
24 ation, there is appropriated to the Oregon Health Authority, for the
25 biennium beginning July 1, 2021, out of the General Fund, the amount
26 of \$20,000,000, to be expended to carry out section 6 of this 2021 Act,
27 distributed as follows:

28 **“(1) \$7,000,000 to county mental health programs;**

29 **“(2) \$7,000,000 to private practitioners; and**

30 **“(3) \$6,000,000 for the authority to expend as necessary to carry out**

1 the purposes of section 6 of this 2021 Act.

2 **“SECTION 8. A public or private entity that employs mental health**
3 **care providers who supervise associates, interns or other individuals**
4 **who must have supervised clinical experience as a condition of**
5 **licensure as a mental health care provider shall pay all costs incurred**
6 **by the supervisor in providing supervision and the costs of the indi-**
7 **vidual receiving supervision if the supervisor is:**

8 **“(1) A licensed psychologist, as defined in ORS 675.010;**

9 **“(2) A clinical social worker licensed under ORS 675.530;**

10 **“(3) A master’s social worker licensed under ORS 675.533;**

11 **“(4) A licensed marriage and family therapist, as defined in ORS**
12 **675.705; or**

13 **“(5) A licensed professional counselor, as defined in ORS 675.705.**

14 **“SECTION 9. (1) As part of the health care provider incentive pro-**
15 **gram created in ORS 676.454, the Oregon Health Authority shall pro-**
16 **vide grants to community mental health programs and private**
17 **practitioners to ensure access to mental health care for individuals in**
18 **underserved communities who have faced disproportionate challenges**
19 **from the impacts of COVID-19 including, but not limited to:**

20 **“(a) Individuals who are Black, tribal members, indigenous and**
21 **people of color;**

22 **“(b) Undocumented immigrants; and**

23 **“(c) Residents in rural areas of this state.**

24 **“(2) The authority shall adopt by rule:**

25 **“(a) The criteria for awarding grants under this section;**

26 **“(b) Parameters for the use of grants by community mental health**
27 **programs; and**

28 **“(c) The authority’s responsibility in monitoring, evaluating and**
29 **providing oversight of the administration of the grants.**

30 **“SECTION 10. In addition to and not in lieu of any other appropri-**

1 ation, there is appropriated to the Oregon Health Authority, for the
2 biennium beginning July 1, 2021, out of the General Fund, the amount
3 of \$50,000,000, which shall be expended to carry out section 9 of this
4 2021 Act.

5 **“SECTION 11. (1) The Task Force on Expanding the Behavioral**
6 **Health Workforce is established.**

7 **“(2) The task force consists of 27 members appointed as follows:**

8 **“(a) The President of the Senate shall appoint two members from**
9 **among members of the Senate.**

10 **“(b) The Speaker of the House of Representatives shall appoint two**
11 **members from among members of the House of Representatives.**

12 **“(c) The Governor shall appoint:**

13 **“(A) Two consumers of mental health services;**

14 **“(B) Two mental health professionals;**

15 **“(C) Two individuals who were formerly incarcerated who work in**
16 **the mental health field;**

17 **“(D) One individual from the Oregon Health Authority;**

18 **“(E) One individual from the Governor’s staff who works on health**
19 **policy;**

20 **“(F) Two individuals from organizations or commissions dedicated**
21 **to Black communities, indigenous communities or communities of**
22 **color;**

23 **“(G) One individual from an organization or group working on**
24 **criminal justice reform;**

25 **“(H) One individual from the Higher Education Coordinating Com-**
26 **mission;**

27 **“(I) One professor working in the field of mental health;**

28 **“(J) One professor working in the field of addictions;**

29 **“(K) One member of the Alcohol and Drug Policy Commission;**

30 **“(L) One member representing the tribes;**

1 **“(M) One individual from an organization that supports the devel-**
2 **opment of multicultural practitioners;**

3 **“(N) One representative of each of the following boards:**

4 **“(i) The Mental Health and Addiction Certification Board of Oregon;**

5 **“(ii) The Oregon Board of Licensed Professional Counselors and**
6 **Therapists; and**

7 **“(iii) The State Board of Licensed Social Workers;**

8 **“(O) One representative from the peer recovery community;**

9 **“(P) One provider of intellectual or developmental disability ser-**
10 **vices; and**

11 **“(Q) The director of the division of the Department of Human Ser-**
12 **vices responsible for intellectual or developmental disability services**
13 **or the director’s designee.**

14 **“(3) The task force shall study barriers to joining the behavioral**
15 **health workforce in this state and best practices and shall make rec-**
16 **ommendations to:**

17 **“(a) Increase the number and distribution of behavioral health**
18 **providers who are Black, Indigenous or tribal members or from other**
19 **communities of color;**

20 **“(b) Remove barriers to licensure for individuals who were formerly**
21 **incarcerated; and**

22 **“(c) Increase the pipeline of professionals with training and educa-**
23 **tion in co-occurring disorder treatment and create pathways for ex-**
24 **isting licensed behavioral health professionals to achieve specialized**
25 **endorsements in co-occurring disorder treatment.**

26 **“(4) The task force may call witnesses.**

27 **“(5) A majority of the voting members of the task force constitutes**
28 **a quorum for the transaction of business.**

29 **“(6) Official action by the task force requires the approval of a**
30 **majority of the voting members of the task force.**

1 “(7) The task force shall elect one of its members to serve as
2 chairperson.

3 “(8) If there is a vacancy for any cause, the appointing authority
4 shall make an appointment to become immediately effective.

5 “(9) The task force shall meet at times and places specified by the
6 call of the chairperson or of a majority of the voting members of the
7 task force.

8 “(10) The task force may adopt rules necessary for the operation
9 of the task force.

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

14 “(12) The Legislative Policy and Research Director shall provide
15 staff support to the task force.

16 “(13) Members of the Legislative Assembly appointed to the task
17 force are nonvoting members of the task force and may act in an ad-
18 visory capacity only.

19 “(14) Members of the task force who are not members of the Leg-
20 islative Assembly are not entitled to compensation but may be reim-
21 bursed from funds available to the authority for their necessary and
22 actual travel and other expenses incurred by them in the performance
23 of their official duties in the manner and amount provided in ORS
24 292.495.

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

30 “SECTION 12. ORS 675.705 is amended to read:

1 “675.705. As used in ORS 675.715 to 675.835:

2 “(1) ‘Assessment’ means assessment under standards developed by a na-
3 tional body responsible for accrediting graduate training programs in clinical
4 counseling for professional counselors or in marriage and family therapy for
5 marriage and family therapists.

6 “(2) ‘Clinical experience’ means the professional practice of applying
7 psychotherapeutic principles and methods to provide assessment, diagnosis
8 and treatment of mental disorders.

9 “(3) ‘Licensed marriage and family therapist’ means a person [*to whom a*
10 *license has been issued*] **licensed** under ORS 675.715.

11 “(4) ‘Licensed professional counselor’ means a person [*issued a license*]
12 **licensed** under ORS 675.715.

13 “(5) ‘Licensee’ means a licensed professional counselor or a licensed
14 marriage and family therapist.

15 “(6)(a) ‘Marriage and family therapy’ means the assessment, diagnosis or
16 treatment of mental, emotional or behavioral disorders involving the appli-
17 cation of family systems or other psychotherapeutic principles and methods
18 in the delivery of services to individuals, couples, children, families, groups
19 or organizations.

20 “(b) ‘Marriage and family therapy’ may include, but is not limited to:

21 “(A) Application of counseling techniques for the purpose of resolving
22 intrapersonal or interpersonal conflict or changing perceptions, attitudes,
23 behaviors or interactional processes in the area of human relationships and
24 family life;

25 “(B) Provision of services to address wellness or optimal functioning in
26 human relationships or family life;

27 “(C) Research activities, including reporting, designing or conducting re-
28 search in marriage and family therapy with human subjects;

29 “(D) Referral activities, including the referral to other specialists when
30 indicated to provide ethical treatment;

1 “(E) Consulting activities that apply marriage and family therapy proce-
2 dures to provide assistance to organizations that support or enrich marriage
3 and family life; and

4 “(F) Record keeping activities, including documentation of counseling
5 treatment, therapeutic services or clinical supervision.

6 “(7)(a) ‘Professional counseling’ means the assessment, diagnosis or
7 treatment of mental, emotional or behavioral disorders involving the appli-
8 cation of mental health counseling or other psychotherapeutic principles and
9 methods in the delivery of services to individuals, couples, children, families,
10 groups or organizations.

11 “(b) ‘Professional counseling’ may include, but is not limited to:

12 “(A) Application of intervention methods based on cognitive, affective,
13 behavioral, systemic or human development principles;

14 “(B) Provision of counseling services to address personal growth or
15 wellness;

16 “(C) Definition of goals and the planning of action reflecting interests,
17 abilities, aptitudes or needs as they relate to problems, disabilities or con-
18 cerns in personal, social, educational, rehabilitation or career adjustments;

19 “(D) Research activities, including reporting, designing or conducting re-
20 search in counseling with human subjects;

21 “(E) Referral activities, including the referral to other specialists when
22 indicated to provide ethical treatment;

23 “(F) Consulting activities that apply counseling procedures and interper-
24 sonal skills to provide assistance in solving problems relating to an individ-
25 ual, group or organization; and

26 “(G) Record keeping activities, including documentation of counseling
27 treatment, therapeutic services or clinical supervision.

28 “(8) ‘Registered [*intern*] **associate**’ means an applicant for licensure who
29 is registered to obtain post-degree supervised clinical experience toward
30 licensure according to an approved plan pursuant to ORS 675.720.

1 **SECTION 13.** ORS 675.720 is amended to read:

2 “675.720. (1) If an applicant for a license under ORS 675.715 possesses the
3 graduate degree required by ORS 675.715 but has not submitted documenta-
4 tion satisfactory to the Oregon Board of Licensed Professional Counselors
5 and Therapists that the applicant has the required supervised clinical expe-
6 rience, the applicant must register [*an internship*] **a** plan to obtain acceptable
7 post-degree supervised clinical experience to qualify for a license as a pro-
8 fessional counselor or as a marriage and family therapist.

9 “(2) To register as a professional counselor [*intern*] **associate** or as a
10 marriage and family therapist [*intern*] **associate** under this section, the ap-
11 plicant shall submit in the form and manner determined by the board:

12 “(a) A request for registration; and

13 “(b) A plan to obtain or complete the supervised clinical experience re-
14 quired for licensure.

15 “(3) The board shall register the applicant as an [*intern*] **associate** upon
16 receipt and approval of the completed request and plan required in sub-
17 section (2) of this section.

18 “(4)(a) A registered [*intern*] **associate** must renew the certificate of reg-
19 istration annually on or before the first day of the month in which the board
20 approved the initial registration. To renew a certificate of registration, a
21 registered [*intern*] **associate** shall:

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

24 “(B) Document fulfillment of all other requirements established by the
25 board by rule.

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

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

30 **SECTION 14.** ORS 675.745 is amended to read:

1 “675.745. (1) The Oregon Board of Licensed Professional Counselors and
2 Therapists may deny, suspend, revoke or refuse to issue or to renew any li-
3 cense issued under ORS 675.715 to 675.835 upon proof that the applicant for
4 licensure or the licensee:

5 “(a) Has been convicted of violating ORS 675.825 or of a crime in this or
6 any other state or territory or against the federal government that brings
7 into question the competence of the licensee in the role of a counselor or a
8 therapist;

9 “(b) Is unable to perform the practice of professional counseling or mar-
10 riage and family therapy by reason of physical illness;

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

12 “(d) Has been grossly negligent in the practice of professional counseling
13 or marriage and family therapy;

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

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

17 “(g) Has failed to file a professional disclosure statement or has filed a
18 false, incomplete or misleading professional disclosure statement;

19 “(h) Has practiced outside the scope of activities, including administering,
20 constructing or interpreting tests or diagnosing or treating mental disorders,
21 for which the licensee has individual training and qualification;

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

25 “(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as
26 defined in ORS 163A.005 or has been convicted in another state or jurisdic-
27 tion of a crime that is substantially equivalent to a sex crime as defined in
28 ORS 163A.005.

29 “(2)(a) The board may reprimand or impose probation on a licensee or a
30 registered [*intern*] **associate** upon proof of any of the grounds for discipline

1 provided in subsection (1) of this section.

2 “(b) If the board elects to place a licensee or a registered [*intern*] **asso-**
3 **ciate** on probation, the board may impose:

4 “(A) Restrictions on the scope of practice of the licensee or [*intern*] **as-**
5 **sociate**;

6 “(B) Requirements for specific training;

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

8 “(D) Other conditions the board finds necessary for the protection of the
9 public.

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

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

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

20 “(6) Information that the board obtains as part of an investigation into
21 licensee or applicant conduct or as part of a contested case proceeding,
22 consent order or stipulated agreement involving licensee or applicant con-
23 duct is confidential as provided under ORS 676.175.

24 “(7) In addition to the actions authorized by subsections (1) and (2) of this
25 section, the board may take such disciplinary action as the board in its dis-
26 cretion finds proper, including but not limited to the assessment of the costs
27 of the disciplinary process.

28 “**SECTION 15.** ORS 675.785 is amended to read:

29 “675.785. The Oregon Board of Licensed Professional Counselors and
30 Therapists has the following powers and duties:

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

4 “(2) Subject to applicable provisions of the State Personnel Relations
5 Law, the board may appoint, prescribe the duties and fix the compensation
6 of employees of the board necessary to carry out the duties of the board.

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

9 “(a) License application.

10 “(b) First issuance of a license.

11 “(c) Renewal of a license.

12 “(d) Late filing of a license renewal.

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

14 “(f) Examinations. Examination fees may not exceed the costs incurred in
15 administering the particular examination. Fees established under this sub-
16 section are subject to prior approval of the Oregon Department of Adminis-
17 trative Services and a report to the Emergency Board prior to adopting the
18 fees and must be within the budget authorized by the Legislative Assembly
19 as that budget may be modified by the Emergency Board.

20 “(4) The board shall:

21 “(a) Maintain a register of all current licensed professional counselors
22 and marriage and family therapists.

23 “(b) Annually publish a directory listing all current licensed professional
24 counselors and marriage and family therapists. The directory must be avail-
25 able to the public, and the board may collect a publication fee for the di-
26 rectory.

27 “(5) The board shall:

28 “(a) Investigate alleged violations of the provisions of ORS 675.715 to
29 675.835 or rules adopted under authority of the board.

30 “(b) Establish procedures to review the complaints of clients of licensees

1 of the board. Upon receipt of a complaint under ORS 675.715 to 675.835
2 against a licensed or unlicensed person, the board shall conduct an investi-
3 gation as described under ORS 676.165.

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

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

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

18 “(9) The board may administer oaths, take depositions, defray legal ex-
19 penses and issue subpoenas to compel the attendance of witnesses and the
20 production of documents or written information necessary to carry out ORS
21 675.715 to 675.835.

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

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

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

30 “(13) The board shall require the applicant for a professional counselor

1 license or a marriage and family therapy license to receive a passing score
2 on an examination of competency in counseling or marriage and family
3 therapy. The examination may be the examination given nationally to certify
4 counselors, or in the case of marriage and family therapy, the examination
5 approved by the Association of Marital and Family Therapy Regulatory
6 Boards.

7 “(14) For the purpose of requesting a state or nationwide criminal records
8 check under ORS 181A.195, the board may require the fingerprints of a per-
9 son who is:

10 “(a) Applying for a license that is issued by the board;

11 “(b) Applying for renewal of a license that is issued by the board; or

12 “(c) Under investigation by the board.

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

16 “**SECTION 16.** ORS 675.825 is amended to read:

17 “675.825. (1) A person may not:

18 “(a) Attempt to obtain or obtain a license or license renewal by bribery
19 or fraudulent representation.

20 “(b) Engage in or purport to the public to be engaged in the practice of
21 professional counseling under the title ‘licensed professional counselor’ un-
22 less the person is a licensee.

23 “(c) Engage in or purport to the public to be engaged in the practice of
24 marriage and family therapy under the title of ‘licensed marriage and family
25 therapist’ unless the person is a licensee.

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

28 “(A) The person is a licensee, registered [*intern*] **associate** or graduate
29 student pursuing a graduate degree in counseling or marriage and family
30 therapy; or

1 “(B) The person is exempted from the licensing requirements of ORS
2 675.715 to 675.835 by subsection (3) of this section.

3 “(e) Provide counseling or therapy services of a psychotherapeutic nature
4 if the person’s license to practice as a professional counselor or as a mar-
5 riage and family therapist has been revoked by the Oregon Board of Licensed
6 Professional Counselors and Therapists because the person engaged in sexual
7 activity with a client.

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

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

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

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

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

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

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

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

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

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

5 **“SECTION 17.** ORS 675.375 is amended to read:

6 “675.375. (1) To obtain certification as a clinical sexual offense therapist,
7 associate sexual offense therapist, secondary clinical sexual offense therapist
8 or sexual offense therapist intern, an applicant must complete an application
9 developed and prescribed by the Sexual Offense Treatment Board and file a
10 professional disclosure statement with the Health Licensing Office. The
11 documents must be accompanied by the applicable fees established under
12 ORS 676.576.

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

15 “(a) Clinical sexual offense therapist;

16 “(b) Associate sexual offense therapist;

17 “(c) Secondary clinical sexual offense therapist; and

18 “(d) Sexual offense therapist intern.

19 “(3) To qualify as a certified clinical sexual offense therapist, the appli-
20 cant must:

21 “(a) Be in compliance with applicable provisions and rules adopted by the
22 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 equiv-
25 alent license as determined by the office;

26 “(d) Within not more than six years prior to application, have had a
27 minimum of 2,000 hours of direct clinical contact with persons described in
28 ORS 675.368, including:

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

30 “(B) 500 hours of evaluations; and

1 “(e) Have a minimum of 60 hours of formal training applicable to sexual
2 abuse specific treatment and evaluation, achieved within the six years prior
3 to application.

4 “(4) To qualify as a certified associate sexual offense therapist, the ap-
5 plicant must:

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

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

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

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

14 “(e) Be under the direct supervision of a certified clinical sexual offense
15 therapist.

16 “(5) To qualify as a certified secondary clinical sexual offense therapist,
17 the applicant must:

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

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

21 “(c) Have an active Oregon mental health professional license or equiv-
22 alent license as determined by the office or be a registered intern **or asso-**
23 **ciate** for a mental health professional licensed in Oregon;

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

27 “(e) Be under the direct supervision of a certified clinical sexual offense
28 therapist; and

29 “(f) Provide sexual abuse specific treatment services to not more than
30 nine clients in a calendar month, unless the applicant is accruing hours to

1 qualify for application as a certified associate sexual offense therapist.

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

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

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

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

9 “(7)(a) A certified associate sexual offense therapist and a certified sexual
10 offense therapist intern must obtain:

11 “(A) A minimum of two hours of direct supervision, at least one hour of
12 which must be individual supervision, in a month if the certified associate
13 sexual offense therapist or certified sexual offense therapist intern has 45
14 or fewer hours in the month of direct clinical contact with a person de-
15 scribed in ORS 675.368.

16 “(B) A minimum of three hours of direct supervision, at least 90 minutes
17 of which must be individual supervision, in a month if the certified associate
18 sexual offense therapist or certified sexual offense therapist intern has more
19 than 45 hours in the month of direct clinical contact with a person described
20 in ORS 675.368.

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

24 **“SECTION 18. Section 11 of this 2021 Act is repealed on December
25 31, 2022.**

26 **“SECTION 19. This 2021 Act being necessary for the immediate
27 preservation of the public peace, health and safety, an emergency is
28 declared to exist, and this 2021 Act takes effect on July 1, 2021.”.**

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