

HB 3300 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 5/16, 5/19

WHAT THE MEASURE DOES:

House Bill 3300 authorizes the Board of Licensed Professional Counselors and Therapists to issue a limited permit to practice as a professional counselor or marriage and family therapist to an individual who is licensed in another state with substantially equivalent requirements for licensure. The measure authorizes the board to impose a nonrefundable limited permit fee on any individual who applies for the limited permit, which would be valid for up to 30 days in a 12-month period. The measure also removes the annual renewal requirement for counselors and therapists licensed by the board. The measure becomes operative on January 1, 2024; however, the board and the Mental Health Regulatory Agency may take any action necessary to implement the measure prior to its operative date. The measure takes effect 91 days after adjournment *sine die*.

ISSUES DISCUSSED:

- Fiscal impact of the measure
- Impact of new fee revenue on the board and agency's budget

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Since the Board of Licensed Professional Counselors and Therapists (BLPCT) and the Board of Psychology (BOP) were merged to form the Mental Health Regulatory Agency (MHRA) pursuant to House Bill 2379 (2017), there has been significant work towards establishing uniform policies and procedures and streamlining licensing processes between both boards. House Bill 3300 would further refine efforts to establish uniform policies and procedures and streamline licensing processes between both boards by enabling BLPCT to switch to biennial license renewals and to issue limited permits to out-of-state licensed professional counselors (LPC) and licensed marriage and family therapists (LMFT).

The measure creates a limited practice option outside of regular, full licensure for individuals who are licensed as a professional counselor or marriage and family therapist outside of Oregon, allowing them to provide these services for a limited amount of time to a patient or client who relocates to Oregon, or to an Oregonian who has a particular need. The regular licensure process takes more time to ensure applicants are qualified, competent and ethical; requires a larger application fee in proportion to the limited services that are being sought; and has additional compliance requirements, such as continuing education. BLPCT seeks to reduce service gaps and possible discontinuity of care for patients or clients who rely on behavioral health services by issuing this new limited permit. This would align with BOP's practice of issuing limited permits.

In 1973, the Legislative Assembly authorized BOP to issue limited permits to out-of-state licensed psychologists with the passage of Senate Bill 273 (Oregon Laws 1973, chapter 777, section 15), which is now codified in ORS 675.063. BOP began issuing limited permits in January 1974. BOP's limited permits include both visitor permits and temporary permits, the difference being that visitor permits authorize out-of-state psychologists to practice in Oregon for a limited purpose and time, whereas temporary permits allow psychologists who have applied for licensure via endorsement (i.e., licensed in another state) to practice temporarily following approval by the board,

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but before passing the Oregon Jurisprudence Exam. If this measure were to become law, BLPCT anticipates that it would issue visitor permits to out-of-state LPCs and LMFTs, but not temporary permits as BOP does, because of how quickly applicants can become licensed after passing the online Law and Rules Exam.

From 2010 to 2019, BOP experienced an average growth in limited permits issued of 4.2% annually. From 2013 to 2022, BOP issued an average of 74 limited permits per year. More recently, however, the number of new limited permits grew by an average of 17% annually from 2020 to 2022, reaching an all-time high of 194 limited permits in 2021 during the COVID-19 pandemic. Today, BOP issues approximately 180 limited permits to out-of-state psychologists each year, though this number is expected to decline to pre-pandemic levels and then begin to steadily increase again. Because BLPCT currently oversees more than three times as many licensees and pre-licensed individuals than BOP does (8,149 individuals for BLPCT to 2,410 individuals for BOP), the expectation is that BLPCT will issue substantially more limited permits each year than BOP does.

Assuming the new limited permit fee becomes effective on January 1, 2024, BLPCT estimates that it will collect \$156,500 in additional Other Funds fee revenue in the 2023-25 biennium. This assumes a limited permit of \$100 per applicant and a total of 1,565 limited permits issued in the 2023-25 biennium. Once a limited permit is issued, limited permit holders will be able to practice as a LPC or LMFT for 30 days within a 12-month period. If limited permit holders exceed that 30-day period, they would need to apply for full licensure to be able to continue to practice in Oregon.

While it will be the responsibility of limited permit holders to ensure they do not exceed the scope of their limited permit, BLPCT anticipates that by aligning the continuing education requirements with biennial renewals, the measure will reduce instances of unlicensed practice that the board has to investigate and reduce the amount of delinquent fees owed to the board for failure to renew licenses on time.