

Enrolled House Bill 3300

Sponsored by Representatives MCLAIN, RUIZ; Representative HIEB, Senator DEMBROW (at the request of Mental Health Regulatory Agency)

CHAPTER

AN ACT

Relating to the Oregon Board of Licensed Professional Counselors and Therapists; creating new provisions; amending ORS 675.725 and 675.785; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 675.715 to 675.835.

SECTION 2. (1) The Oregon Board of Licensed Professional Counselors and Therapists may issue a limited permit to practice as a professional counselor or marriage and family therapist to an applicant who submits to the board:

- (a) A completed application;**
- (b) Proof that the applicant is authorized to practice professional counseling or marriage and family therapy in another state where, in the discretion of the board, the requirements for authorization are substantially equivalent to the requirements for licensure under ORS 675.715 to 675.835; and**
- (c) A limited permit fee.**

(2) A limited permit issued under this section may be valid for up to 30 days in a 12-month period.

SECTION 3. ORS 675.725 is amended to read:
675.725. (1) A license issued under ORS 675.715 to 675.835 is subject to [annual] renewal.

(2) A licensee seeking renewal of a license shall:

- (a) Pay the license renewal fee on or before the renewal date established by the Oregon Board of Licensed Professional Counselors and Therapists by rule;**
- (b) Provide proof of fulfillment of any requirements of the board for continuing education and supervision;**
- (c) Submit to the board a sworn statement on a form provided by the board certifying that there is no reason for denial of the license renewal; and**
- (d) Maintain professional disclosure statements as required by the board by rule.**

(3) A licensee may renew a license after the date for license renewal by paying the renewal fee and a late filing fee for license renewal prior to the expiration of the grace period for license renewal established by the board by rule.

(4) A licensee may not continue to practice as a licensed professional counselor or a licensed marriage and family therapist after expiration of the license.

(5) A person whose license has expired may apply to be relicensed as follows:

(a) If the person's previous license has been expired for more than two years, the person must apply and qualify for a new license in the same manner as a person who has never been licensed.

(b) If the person's previous license has been expired for two years or less, the person is not required to meet the degree, experience and examination standards for a person who has never been licensed, but must meet all other requirements for relicensure as the board may establish by rule. An application for relicensure under this subsection must be submitted in the manner required by the board and must be accompanied by the payment of the application fee and [one annual] the renewal fee.

SECTION 4. ORS 675.785 is amended to read:

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

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

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

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

(a) License application.

(b) First issuance of a license.

(c) Renewal of a license.

(d) Late filing of a license renewal.

(e) Renewal of registration as an associate.

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

(g) Limited permits.

(4) The board shall:

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

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

(5) The board shall:

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

(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.

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

(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.

(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.

(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.

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

(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.

(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.

(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.

(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:

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

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

SECTION 5. (1) Section 2 of this 2023 Act and the amendments to ORS 675.725 and 675.785 by sections 3 and 4 of this 2023 Act become operative on January 1, 2024.

(2) The Mental Health Regulatory Agency and the Oregon Board of Licensed Professional Counselors and Therapists may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the agency and the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the agency and the board by section 2 of this 2023 Act and the amendments to ORS 675.725 and 675.785 by sections 3 and 4 of this 2023 Act.

SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House May 25, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State