

DRAFT

SUMMARY

Digest: The Act makes a new profession called a licensed behavioral health and wellness practitioner. The Act says what the licensee can do. The Act also says that the licensee has to report some kinds of abuse. (Flesch Readability Score: 67.7).

Authorizes the Oregon Board of Psychology to issue a license to practice behavioral health promotion, prevention and brief intervention to a qualified applicant. Defines the “practice of behavioral health promotion, prevention and brief intervention” and “licensed behavioral health and wellness practitioner.” Prohibits a person from using the title “licensed behavioral health and wellness practitioner” without a license.

Creates a licensed behavioral health and wellness practitioner-client privilege for certain communications. Requires a licensed behavioral health and wellness practitioner to report certain types of abuse.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to licensed behavioral health and wellness practitioners; creating new provisions; amending ORS 124.050, 192.556, 414.025, 419B.005, 430.735, 609.652, 675.010, 675.075, 675.085, 675.087, 675.110, 675.115, 675.130, 675.140, 675.145, 675.150, 675.166, 675.178, 675.661 and 675.850; and prescribing an effective date.

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

LICENSED BEHAVIORAL HEALTH AND WELLNESS PRACTITIONERS

SECTION 1. As used in sections 1 to 7 of this 2026 Act:

(1) “Licensed behavioral health and wellness practitioner” means

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 an individual licensed under section 2 of this 2026 Act to practice be-
2 havioral health promotion, prevention and brief intervention.

3 (2) “Licensed psychologist” has the meaning given that term in ORS
4 675.010.

5 (3) “Practice of behavioral health promotion, prevention and brief
6 intervention” includes the provision of the following services, either
7 directly or indirectly, in an individual or group format, with or with-
8 out client caregivers or families:

9 (a) Early identification of behavioral health concerns, including
10 identification through the use of behavioral health screening;

11 (b) Psychoeducation;

12 (c) Skills training and skills support;

13 (d) Brief, evidence-based behavioral health interventions and pre-
14 vention services;

15 (e) Risk identification and referral; and

16 (f) Collaboration, consultation and care coordination with other
17 behavioral health providers.

18 SECTION 2. (1) The Oregon Board of Psychology may issue a license
19 to practice behavioral health promotion, prevention and brief inter-
20 vention to an applicant who:

21 (a)(A) Holds a bachelor’s degree or higher in behavioral health from
22 a program approved by the board that includes at least 700 hours of
23 supervised practice in the delivery of behavioral health promotion,
24 prevention and brief intervention services; or

25 (B) Holds a bachelor’s degree or higher in a field other than be-
26 havioral health if the applicant has also completed a certification
27 program approved by the board that includes at least 700 hours of
28 supervised practice in the delivery of behavioral health promotion,
29 prevention and brief intervention services;

30 (b) Has successfully completed any training required by the board
31 by rule;

1 (c) Passes, to the satisfaction of the board, an examination required
2 by the board by rule;

3 (d) Is determined by the board to be of good moral character, as
4 described in ORS 675.030;

5 (e) Pays an application fee; and

6 (f) Meets other requirements established by the board by rule.

7 (2) The supervised practice described in subsection (1) of this sec-
8 tion must be performed under the supervision of an individual de-
9 scribed in section 4 of this 2026 Act.

10 (3) The board may adopt rules to establish requirements for the
11 renewal of a license issued under this section.

12 (4) Moneys from fees collected under this section shall be deposited
13 in the Oregon Board of Psychology Account established under ORS
14 675.140.

15 SECTION 3. An individual whose license issued under section 2 of
16 this 2026 Act has expired may apply as follows to the Oregon Board
17 of Psychology to be relicensed:

18 (1) If the previous license has been expired for more than two years,
19 the individual must apply and qualify for the new license in the same
20 manner as an individual who has never been licensed.

21 (2)(a) If the previous license has been expired for two years or less,
22 the individual must:

23 (A) Apply for relicensure in a manner required by the board;

24 (B) Meet any requirements for relicensure established by the board
25 by rule; and

26 (C) Pay the fee established by the board.

27 (b) An individual who applies for relicensure under paragraph (a)
28 of this subsection may not be required to meet the requirements de-
29 scribed in section 2 (1)(a) to (c) of this 2026 Act.

30 SECTION 4. (1) A licensed behavioral health and wellness practi-
31 tioner may practice behavioral health promotion, prevention and brief

1 intervention only under the direct supervision of a:

2 (a) Licensed psychologist;

3 (b) Physician licensed under ORS chapter 677 who has a specialty
4 in psychiatry;

5 (c) Licensed professional counselor, as defined in ORS 675.705;

6 (d) Licensed marriage and family therapist, as defined in ORS
7 675.705;

8 (e) Clinical social worker licensed under ORS 675.530; or

9 (f) Nurse practitioner licensed under ORS 678.375 to 678.390 who has
10 a specialty in psychiatric mental health.

11 (2) The Oregon Board of Psychology may adopt rules to carry out
12 this section, including rules to establish requirements for supervision
13 and a process for an individual described in subsection (1) of this sec-
14 tion to be an approved supervisor.

15 SECTION 5. An individual may not use the title “licensed behav-
16 ioral health and wellness practitioner” or similar title or initials unless
17 the individual is a licensed behavioral health and wellness practitioner.

18 SECTION 6. A licensed behavioral health and wellness practitioner
19 may not:

20 (1) Engage in the practice of psychology, as described in ORS
21 675.010;

22 (2) Practice medicine, as described in ORS 677.085;

23 (3) Diagnose any physical, behavioral, emotional or mental disorder;

24 (4) Independently treat any physical, behavioral, emotional or
25 mental disorder;

26 (5) Administer or interpret any individually administered intelli-
27 gence, academic achievement or neuropsychological tests; or

28 (6) Evaluate the effects of any medical or psychotropic drugs.

29 SECTION 7. (1) If any of the grounds enumerated in subsection (2)
30 of this section exist, the Oregon Board of Psychology may impose any
31 of the following sanctions:

1 (a) Deny a license to practice behavioral health promotion, pre-
2 vention and brief intervention;

3 (b) Refuse to renew or suspend or revoke a license to practice be-
4 havioral health promotion, prevention and brief intervention;

5 (c) Issue a letter of reprimand;

6 (d) Impose probation with authority to require practice under in-
7 creased supervision; or

8 (e) Impose a civil penalty as described under subsection (3) of this
9 section.

10 (2) Subject to subsection (7) of this section, the board may impose
11 a sanction listed in subsection (1) of this section against a licensed
12 behavioral health and wellness practitioner, an applicant for a license
13 to practice behavioral health promotion, prevention and brief inter-
14 vention or, if applicable, an unlicensed individual found in violation
15 of sections 1 to 7 of this 2026 Act, if, in the board's judgment, the
16 licensee, applicant or individual:

17 (a) Has an impairment as defined in ORS 676.303;

18 (b) Has been convicted of a violation of law related to controlled
19 substances;

20 (c) Has been convicted of a felony or misdemeanor involving moral
21 turpitude;

22 (d) Is guilty of immoral or unprofessional conduct or of gross
23 negligence in the practice of behavioral health promotion, prevention
24 and brief intervention, including but not limited to:

25 (A) Conduct or practice contrary to recognized standards of ethics
26 of the profession or that constitutes a danger to the health or safety
27 of a patient or the public;

28 (B) Conduct, practice or a condition that adversely affects the
29 ability of a licensed behavioral health and wellness practitioner or an
30 applicant for a license to practice behavioral health promotion, pre-
31 vention and brief intervention to practice safely and skillfully; or

1 (C) Having practiced outside the authorized scope of practice for a
2 licensed behavioral health and wellness practitioner;

3 (e) Has obtained, or attempted to obtain, a license to practice be-
4 havioral health promotion, prevention and brief intervention by fraud
5 or material misrepresentation;

6 (f) Has impersonated a licensed behavioral health and wellness
7 practitioner, or allowed another individual to use the license of a li-
8 censed behavioral health and wellness practitioner;

9 (g) Has violated a provision of sections 1 to 7 of this 2026 Act or
10 ORS 675.850, any applicable rule of the board or the code of profes-
11 sional conduct adopted under ORS 675.110; or

12 (h) Notwithstanding ORS 670.280, has been convicted of a sex crime
13 as defined in ORS 163A.005 or has been convicted in another state or
14 jurisdiction of a crime that is substantially equivalent to a sex crime
15 as defined in ORS 163A.005.

16 (3) The board may impose a civil penalty under subsection (1) of this
17 section in an amount not to exceed:

18 (a) \$2,500; or

19 (b) \$5,000, if any of the following conditions exist:

20 (A) The conduct giving rise to the penalty had a serious detrimental
21 effect on the health or safety of another person;

22 (B) The individual subject to the penalty has a history of discipline
23 for the same or similar conduct;

24 (C) The conduct giving rise to the penalty involves a willful or
25 reckless disregard for the law;

26 (D) The conduct giving rise to the penalty was perpetrated against
27 a minor, elderly person or person with a disability; or

28 (E) The individual subject to the penalty violated section 5 of this
29 2026 Act.

30 (4) Except as provided in subsection (7) of this section, if a con-
31 viction described in subsection (2) of this section is used as grounds

for discipline described in subsection (1) of this section, a certified copy of the record of the conviction shall be conclusive evidence.

(5) The board may license an applicant or renew or restore a licence suspended or revoked under subsection (2)(a) of this section due to a mental health condition if the board determines that the applicant or previously licensed individual no longer has an impairment due to a mental health condition.

(6) Except as provided in subsection (7) of this section, license suspension or revocation in another state is grounds for license denial or other disciplinary action by the board.

(7) The board may not suspend or revoke an individual's license, or refuse to grant a license to an individual, because of a conviction or license suspension or revocation resulting solely from the individual's provision of licensed services related to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the individual provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

SECTION 8. ORS 675.010 is amended to read:

675.010. As used in ORS 675.010 to 675.150, unless the context requires otherwise:

(1) "Approved doctoral program in psychology" means a doctoral program in psychology accredited by the American Psychological Association or a doctoral program in psychology accredited individually or as part of an institutional accreditation by another private or governmental accrediting agency, when the association's or agency's standards and procedures have been approved by the Oregon Board of Psychology by rule.

[(2) "Board" means the Oregon Board of Psychology.]

(2) "Licensed behavioral health and wellness practitioner" has the meaning given that term in section 1 of this 2026 Act.

(3) "Licensed psychologist" means a person licensed to practice psychol-

ogy under the provisions of ORS 675.010 to 675.150.

(4) “Practice of behavioral health promotion, prevention and brief intervention” has the meaning given that term in section 1 of this 2026 Act.

~~[(4)]~~ **(5)** “Practice of psychology” means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. “Practice of psychology” also includes delegating the administration and scoring of tests to technicians qualified by and under the direct supervision of a licensed psychologist.

~~[(5)]~~ **(6)** “State” means any state or territory of the United States and the District of Columbia.

SECTION 9. ORS 675.075 is amended to read:

675.075. (1) Any information that the Oregon Board of Psychology obtains under ORS 675.070 or 675.085 **or section 7 of this 2026 Act** is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof.

SECTION 10. ORS 675.085 is amended to read:

675.085. (1) Upon receipt of a complaint under ORS 675.010 to 675.150 **or sections 1 to 7 of this 2026 Act**, the Oregon Board of Psychology shall conduct an investigation as described under ORS 676.165.

(2) Where the board proposes to refuse to issue a license or to impose any disciplinary action under ORS 675.070 **or section 7 of this 2026 Act**, opportunity for hearing shall be accorded as provided in ORS chapter 183. The board shall render its decision within 30 days after the hearing.

(3) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS chapter 183.

SECTION 11. ORS 675.087 is amended to read:

675.087. The lapse, suspension or revocation of a license issued under ORS 675.010 to 675.150 **or sections 1 to 7 of this 2026 Act** by the operation of

law, by order of the Oregon Board of Psychology or by the decision of a court of law, or the voluntary surrender of a license by a licensee, does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or to revise or render null and void an order suspending or revoking the license.

SECTION 12. ORS 675.110 is amended to read:

675.110. In addition to the powers otherwise granted under ORS 675.010 to 675.150 **and sections 1 to 7 of this 2026 Act**, the Oregon Board of Psychology has all powers necessary or proper to:

(1) Determine qualifications of applicants to practice psychology **and behavioral health promotion, prevention and brief intervention** in this state, prepare, conduct and grade examinations and license qualified applicants who comply with the provisions of ORS 675.010 to 675.150 **or sections 1 to 7 of this 2026 Act** and the rules of the board.

(2) Grant or deny renewal of licenses and renew licenses that have lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150 **and sections 1 to 7 of this 2026 Act**.

(3) Suspend or revoke licenses, subject to ORS 675.010 to 675.150 **and sections 1 to 7 of this 2026 Act**.

(4) Issue letters of reprimand and impose probationary periods with the authority to restrict the scope of practice of a:

(a) Licensed psychologist or to require practice under supervision.

(b) **Licensed behavioral health and wellness practitioner or to require practice under increased supervision.**

(5) Impose civil penalties as provided in ORS 675.070 **and section 7 of this 2026 Act**.

(6) Restore licenses that have been suspended or revoked or voided by nonpayment of the renewal fee.

(7) Collect fees for application, examination and licensing of applicants, for renewal of licenses and for issuance of limited permits and use the fees to defray the expenses of the board as provided in ORS 675.140.

1 (8) Collect a delinquent renewal fee for licenses renewed after the dead-
2 line for renewal but before the grace period for renewal has expired.

3 (9) Investigate alleged violations of ORS 675.010 to 675.150 **and sections**
4 **1 to 7 of this 2026 Act and any rules adopted thereunder.**

5 (10) Issue subpoenas for the attendance of witnesses, take testimony, ad-
6 minister oaths or affirmations to witnesses, conduct hearings and require the
7 production of relevant documents in all proceedings pertaining to the duties
8 and powers of the board.

9 (11)(a) Enforce ORS 675.010 to 675.150 and exercise general supervision
10 over the practice of psychology in this state.

11 **(b) Enforce sections 1 to 7 of this 2026 Act and exercise general**
12 **supervision over the practice of behavioral health promotion, pre-**
13 **vention and brief intervention in this state.**

14 (12) Adopt a common seal.

15 (13) Formulate a code of professional conduct for the:

16 **(a)** Practice of psychology giving particular consideration to the Ethical
17 Standards of Psychologists promulgated by the American Psychological As-
18 sociation.

19 **(b) Practice of behavioral health promotion, prevention and brief**
20 **intervention, with particular consideration to recognized ethics codes**
21 **for the practice.**

22 (14) Establish standards of service and training and educational quali-
23 fications for:

24 **(a)** Rendering ethical psychological services in this state, including the
25 formulation of standards for the issuance of licenses for areas of special
26 competence.

27 **(b) Providing ethical services as a licensed behavioral health and**
28 **wellness practitioner in this state, including the formulation of stan-**
29 **dards for the issuance of licenses for areas of special competence.**

30 (15) Formulate and enforce continuing education requirements for duly
31 licensed psychologists **and licensed behavioral health and wellness**

practitioners to ensure the highest quality of professional services to the public.

(16) Deny renewal of a license **to practice psychology**, or renewal of a license **to practice psychology** that has lapsed for nonpayment of the renewal fee, unless the applicant completes, or provides documentation of completion within the previous 36 months of:

(a) A one-hour pain management education program approved by the board and developed based on recommendations of the Pain Management Commission; or

(b) An equivalent pain management education program, as determined by the board.

(17) Assess costs associated with a disciplinary action to the person against whom the board takes the disciplinary action, as follows:

(a) For total costs of \$3,000 or less, the board may not assess any costs.

(b) For total costs greater than \$3,000 but not greater than \$6,000, the board may assess up to 50 percent of the total costs.

(c) For total costs greater than \$6,000, the board may assess up to 100 percent of the total costs.

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

(a) Applying for a license issued by the board;

(b) Applying for renewal of a license issued by the board; or

(c) Under investigation by the board.

(19) Prescribe, in consultation with the Oregon Board of Licensed Professional Counselors and Therapists, the duties of the Director of the Mental Health Regulatory Agency.

(20) Subject to the applicable provisions of ORS chapter 183, adopt reasonable rules to carry out the provisions of ORS 675.010 to 675.150.

SECTION 13. ORS 675.115 is added to and made a part of ORS 675.010 to 675.150.

SECTION 14. ORS 675.115 is amended to read:

675.115. Subject to prior approval of the Oregon Department of Administrative Services, the fees and charges established under ORS 675.110 *[shall]* **may** not exceed the cost of administering the regulatory program of the Oregon Board of Psychology pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

SECTION 15. ORS 675.130 is amended to read:

675.130. (1) The Oregon Board of Psychology shall select one of its members as chairperson, and another as vice chairperson, for the terms and with the powers and duties necessary for the performance of the functions of the offices determined by the board.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board shall also meet at other times and places as specified by the call of the chairperson, or of a majority of the members of the board or of the Governor.

(4) The board shall maintain records of all board proceedings under ORS 675.010 to 675.150 **and sections 1 to 7 of this 2026 Act.**

[(5) The board shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150 that includes the names, last-known business addresses, last-known residential addresses and the dates and numbers of the licenses of the psychologists.]

(5)(a) The board shall maintain a register of all living psychologists. The register must include the name, last-known business address, last-known residential address and the date and number of the license of each licensed psychologist.

(b) The board shall maintain a register of all living licensed behavioral health and wellness practitioners licensed under sections 1 to 7 of this 2026 Act. The register must include the name, last-known business address, last-known residential address and the date and

number of the license of each licensed behavioral health and wellness practitioner.

SECTION 16. ORS 675.140 is amended to read:

675.140. On or before the 10th day of each month, the Oregon Board of Psychology shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the Oregon Board of Psychology Account. The moneys in the Oregon Board of Psychology Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150, 675.172, 676.850 and 676.866 **and sections 1 to 7 of this 2026 Act.**

SECTION 17. ORS 675.145 is amended to read:

675.145. Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensed psychologist **or licensed behavioral health and wellness practitioner** who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

SECTION 18. ORS 675.150 is amended to read:

675.150. *[The Oregon Board of Psychology may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin the person from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment.]*

(1) The Oregon Board of Psychology may institute and commence injunction proceedings in any circuit court in Oregon to enjoin:

(a) The unlawful practice of psychology; or

(b) The unlawful use of the title “licensed psychologist” or “licensed behavioral health and wellness practitioner.”

(2) In a proceeding described in subsection (1) of this section, the board is not required to show that a person was individually injured by the actions alleged.

(3) If the person against whom the complaint is made is found by the court to have unlawfully engaged in the practice of psychology or the use of a title described in subsection (1) of this section, the court may enjoin the person from practicing or from using the titles. The procedure in a case described in this subsection shall be the same as any other injunction proceeding.

(4) The remedy by injunction granted under this section is in addition to criminal prosecution and punishment.

SECTION 19. ORS 675.166 is amended to read:

675.166. The Mental Health Regulatory Agency shall provide administrative and regulatory oversight and centralized service for:

(1) The Oregon Board of Licensed Professional Counselors and Therapists, as provided in ORS 675.715 to 675.835; and

(2) The Oregon Board of Psychology, as provided in ORS 675.010 to 675.150 and sections 1 to 7 of this 2026 Act.

SECTION 20. ORS 675.178 is amended to read:

675.178. (1) The Mental Health Regulatory Agency is under the supervision and control of the Director of the Mental Health Regulatory Agency, who is responsible for the performance of the duties, functions and powers and for the organization of the agency.

(2) The regulated boards shall jointly appoint the director, who shall serve at the direction of the boards. If the boards cannot agree on a director, the Governor shall appoint a director from individuals suggested by each board, and the Governor’s decision is final.

(3) The director is authorized to carry out the provisions of:

(a) ORS 675.010 to 675.150 and sections 1 to 7 of this 2026 Act as pre-

scribed by the Oregon Board of Psychology; and

(b) ORS 675.715 to 675.835 as prescribed by the Oregon Board of Licensed Professional Counselors and Therapists.

(4) The director may appoint officers and hire employees as necessary to assist the director in fulfilling the duties, functions and powers conferred on the director by this section.

(5) The director may prescribe the duties and fix the compensation of officers appointed by the director and employees hired by the director.

(6) The director has all the powers necessary for the director to fulfill the director's duties as prescribed by the regulated boards under subsection (3) of this section.

SECTION 21. (1) Sections 1 to 7 of this 2026 Act and the amendments to ORS 675.010, 675.075, 675.085, 675.087, 675.110, 675.115, 675.130, 675.140, 675.145, 675.150, 675.166 and 675.178 by sections 8 to 12 and 14 to 20 of this 2026 Act become operative on January 1, 2027.

(2) The Mental Health Regulatory Agency and the Oregon Board of Psychology 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 sections 1 to 7 of this 2026 Act and the amendments to ORS 675.010, 675.075, 675.085, 675.087, 675.110, 675.115, 675.130, 675.140, 675.145, 675.150, 675.166 and 675.178 by sections 8 to 12 and 14 to 20 of this 2026 Act.

BEHAVIORAL HEALTH AND WELLNESS PRACTITIONER-CLIENT PRIVILEGE

SECTION 22. Section 23 of this 2026 Act is added to and made a part of ORS 40.225 to 40.295.

SECTION 23. A licensed behavioral health and wellness practitioner

licensed by the Oregon Board of Psychology under section 2 of this 2026 Act shall not be examined in a civil or criminal court proceeding as to any communication given to the licensed behavioral health and wellness practitioner by a client in the course of a noninvestigatory professional activity when the communication was given to enable the licensed behavioral health and wellness practitioner to aid the client, except:

(1) When the client or those persons legally responsible for the affairs of the client give consent to the disclosure;

(2) When the client initiates legal action to make a complaint against the board or the licensed behavioral health and wellness practitioner;

(3) When the communication reveals the intent to commit a crime or harmful act; or

(4) When the communication reveals that a minor is, or is suspected to be, the victim of a crime, abuse or neglect.

SECTION 24. (1) Section 23 of this 2026 Act becomes operative on January 1, 2027.

(2) The Oregon Board of Psychology may take any action before the operative date specified in subsection (1) of this section that is necessary to enable 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 board by section 23 of this 2026 Act.

ABUSE REPORTING

SECTION 25. ORS 124.050 is amended to read:

124.050. As used in ORS 124.050 to 124.095:

(1) "Abuse" means one or more of the following:

(a) Any physical injury to an elderly person caused by other than accidental means, or which appears to be at variance with the explanation given

1 of the injury.

2 (b) Neglect.

3 (c) Abandonment, including desertion or willful forsaking of an elderly
4 person or the withdrawal or neglect of duties and obligations owed an el-
5 derly person by a caretaker or other person.

6 (d) Willful infliction of physical pain or injury upon an elderly person.

7 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,
8 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

9 (f) Verbal abuse.

10 (g) Financial exploitation.

11 (h) Sexual abuse.

12 (i) Involuntary seclusion of an elderly person for the convenience of a
13 caregiver or to discipline the person.

14 (j) A wrongful use of a physical or chemical restraint of an elderly person,
15 excluding an act of restraint prescribed by a physician licensed under ORS
16 chapter 677 and any treatment activities that are consistent with an ap-
17 proved treatment plan or in connection with a court order.

18 (2) "Elderly person" means any person 65 years of age or older who is not
19 subject to the provisions of ORS 441.640 to 441.665.

20 (3) "Facility" means:

21 (a) A long term care facility as that term is defined in ORS 442.015.

22 (b) A residential facility as that term is defined in ORS 443.400, including
23 but not limited to an assisted living facility.

24 (c) An adult foster home as that term is defined in ORS 443.705.

25 (4) "Financial exploitation" means:

26 (a) Wrongfully taking the assets, funds or property belonging to or in-
27 tended for the use of an elderly person or a person with a disability.

28 (b) Alarming an elderly person or a person with a disability by conveying
29 a threat to wrongfully take or appropriate money or property of the person
30 if the person would reasonably believe that the threat conveyed would be
31 carried out.

1 (c) Misappropriating, misusing or transferring without authorization any
2 money from any account held jointly or singly by an elderly person or a
3 person with a disability.

4 (d) Failing to use the income or assets of an elderly person or a person
5 with a disability effectively for the support and maintenance of the person.

6 (5) "Intimidation" means compelling or deterring conduct by threat.

7 (6) "Law enforcement agency" means:

8 (a) Any city or municipal police department.

9 (b) Any county sheriff's office.

10 (c) The Oregon State Police.

11 (d) Any district attorney.

12 (e) A police department established by a university under ORS 352.121 or
13 353.125.

14 (7) "Neglect" means failure to provide basic care or services that are
15 necessary to maintain the health or safety of an elderly person.

16 (8) "Person with a disability" means a person described in:

17 (a) ORS 410.040 (7); or

18 (b) ORS 410.715.

19 (9) "Public or private official" means:

20 (a) Physician or physician associate licensed under ORS chapter 677,
21 naturopathic physician or [*chiropractor*] **chiropractic physician**, including
22 any intern or resident.

23 (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
24 aide, home health aide or employee of an in-home health service.

25 (c) Employee of the Department of Human Services or community devel-
26 opmental disabilities program.

27 (d) Employee of the Oregon Health Authority, local health department or
28 community mental health program.

29 (e) Peace officer.

30 (f) Member of the clergy.

31 (g) Regulated social worker.

1 (h) Physical, speech or occupational therapist.

2 (i) Senior center employee.

3 (j) Information and referral or outreach worker.

4 (k) Licensed professional counselor or licensed marriage and family ther-
5 apist.

6 (L) Elected official of a branch of government of this state or a state
7 agency, board, commission or department of a branch of government of this
8 state or of a city, county or other political subdivision in this state.

9 (m) Firefighter or emergency medical services provider.

10 (n) Psychologist.

11 (o) Provider of adult foster care or an employee of the provider.

12 (p) Audiologist.

13 (q) Speech-language pathologist.

14 (r) Attorney.

15 (s) Dentist.

16 (t) Optometrist.

17 [(u) *Chiropractor*.]

18 **(u) Chiropractic physician.**

19 (v) Personal support worker, as defined in ORS 410.600.

20 (w) Home care worker, as defined in ORS 410.600.

21 (x) Referral agent, as defined in ORS 443.370.

22 (y) A person providing agency with choice services under ORS 427.181 or
23 443.360.

24 **(z) Licensed behavioral health and wellness practitioner, as defined**
25 **in section 1 of this 2026 Act.**

26 (10) “Services” includes but is not limited to the provision of food,
27 clothing, medicine, housing, medical services, assistance with bathing or
28 personal hygiene or any other service essential to the well-being of an el-
29 derly person.

30 (11)(a) “Sexual abuse” means:

31 (A) Sexual contact with an elderly person who does not consent or is

1 considered incapable of consenting to a sexual act under ORS 163.315;

2 (B) Verbal or physical harassment of a sexual nature, including but not
3 limited to severe or pervasive exposure to sexually explicit material or lan-
4 guage;

5 (C) Sexual exploitation;

6 (D) Any sexual contact between an employee of a facility or paid
7 caregiver and an elderly person served by the facility or caregiver; or

8 (E) Any sexual contact that is achieved through force, trickery, threat
9 or coercion.

10 (b) "Sexual abuse" does not mean consensual sexual contact between an
11 elderly person and:

12 (A) An employee of a facility who is also the spouse of the elderly person;
13 or

14 (B) A paid caregiver.

15 (12) "Sexual contact" has the meaning given that term in ORS 163.305.

16 (13) "Verbal abuse" means to threaten significant physical or emotional
17 harm to an elderly person or a person with a disability through the use of:

18 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity
19 or ridicule; or

20 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-
21 elty or inappropriate sexual comments.

22 **SECTION 26.** ORS 419B.005 is amended to read:

23 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
24 quires otherwise:

25 (1)(a) "Abuse" means:

26 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-
27 ical injury to a child that has been caused by other than accidental means,
28 including any injury that appears to be at variance with the explanation
29 given of the injury.

30 (B) Any mental injury to a child, which shall include only cruel or
31 unconscionable acts or statements made, or threatened to be made, to a child

1 if the acts, statements or threats result in severe harm to the child's psy-
2 chological, cognitive, emotional or social well-being and functioning.

3 (C) Rape of a child, which includes but is not limited to rape, sodomy,
4 unlawful sexual penetration and incest, as those acts are described in ORS
5 chapter 163.

6 (D) Sexual abuse, as described in ORS chapter 163.

7 (E) Sexual exploitation, including but not limited to:

8 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
9 chapter 163, and any other conduct that allows, employs, authorizes, permits,
10 induces or encourages a child to engage in the performing for people to ob-
11 serve or the photographing, filming, tape recording or other exhibition that,
12 in whole or in part, depicts sexual conduct or contact, as defined in ORS
13 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
14 child or rape of a child, but not including any conduct that is part of any
15 investigation conducted pursuant to ORS 419B.020 or that is designed to
16 serve educational or other legitimate purposes; and

17 (ii) Allowing, permitting, encouraging or hiring a child to engage in
18 prostitution as described in ORS 167.007 or a commercial sex act as defined
19 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
20 or to engage in commercial sexual solicitation as described in ORS 167.008.

21 (F) Negligent treatment or maltreatment of a child, including but not
22 limited to the failure to provide adequate food, clothing, shelter or medical
23 care that is likely to endanger the health or welfare of the child.

24 (G) Threatened harm to a child, which means subjecting a child to a
25 substantial risk of harm to the child's health or welfare.

26 (H) Buying or selling a person under 18 years of age as described in ORS
27 163.537.

28 (I) Permitting a person under 18 years of age to enter or remain in or
29 upon premises where methamphetamines are being manufactured.

30 (J) Unlawful exposure to a controlled substance, as defined in ORS
31 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-

1 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
2 the child's health or safety.

3 (K) The restraint or seclusion of a child in violation of ORS 339.285,
4 339.288, 339.291, 339.303 or 339.308.

5 (L) The infliction of corporal punishment on a child in violation of ORS
6 339.250 (9).

7 (b) "Abuse" does not include reasonable discipline unless the discipline
8 results in one of the conditions described in paragraph (a) of this subsection.

9 (2) "Child" means an unmarried person who:

10 (a) Is under 18 years of age; or

11 (b) Is a child in care, as defined in ORS 418.257.

12 (3) "Higher education institution" means:

13 (a) A community college as defined in ORS 341.005;

14 (b) A public university listed in ORS 352.002;

15 (c) The Oregon Health and Science University; and

16 (d) A private institution of higher education located in Oregon.

17 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
18 safety of a child alleged to have experienced abuse.

19 (b) "Investigation" does not include screening activities conducted upon
20 the receipt of a report.

21 (5) "Law enforcement agency" means:

22 (a) A city or municipal police department.

23 (b) A county sheriff's office.

24 (c) The Oregon State Police.

25 (d) A police department established by a university under ORS 352.121 or
26 353.125.

27 (e) A county juvenile department.

28 (6) "Public or private official" means:

29 (a) Physician or physician associate licensed under ORS chapter 677 or
30 naturopathic physician, including any intern or resident.

31 (b) Dentist.

(c) School employee, including an employee of a higher education institution.

(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(e) Employee of the Department of Human Services, Oregon Health Authority, Department of Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

[(k) *Chiropractor*.]

(k) Chiropractic physician.

(L) Certified provider of foster care, or an employee thereof.

(m) Attorney.

(n) Licensed professional counselor.

(o) Licensed marriage and family therapist.

(p) Firefighter or emergency medical services provider.

(q) Court appointed special advocate, as defined in ORS 419A.004.

(r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

(s) Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.

(t) Physical, speech or occupational therapist.

(u) Audiologist.

(v) Speech-language pathologist.

(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

(y) Operator of a preschool recorded program under ORS 329A.255.

(z) Operator of a school-age recorded program under ORS 329A.255.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to an employee of a:

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board, an education service district board or a public charter school governing body.

(hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized service plan of a

child with a developmental disability.

(ii) Referral agent, as defined in ORS 418.351.

(jj) Parole and probation officer, as defined in ORS 181A.355.

(kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior analysis interventionist registered by the Health Licensing Office under ORS 676.815.

(LL) Massage therapist, as defined in ORS 687.011.

(mm) Licensed behavioral health and wellness practitioner, as defined in section 1 of this 2026 Act.

SECTION 27. ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, section 65, chapter 73, Oregon Laws 2024, and section 10, chapter 308, Oregon Laws 2025, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) “Abuse” means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to ob-

serve or the photographing, filming, tape recording or other exhibition that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.

(K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is a child in care, as defined in ORS 418.257.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4)(a) “Investigation” means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.

(b) “Investigation” does not include screening activities conducted upon the receipt of a report.

(5) “Law enforcement agency” means:

(a) A city or municipal police department.

(b) A county sheriff’s office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.121 or 353.125.

(e) A county juvenile department.

(6) “Public or private official” means:

(a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.

(b) Dentist.

(c) School employee, including an employee of a higher education institution.

(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide or employee of an in-home health service.

(e) Employee of the Department of Human Services, Oregon Health Authority, Department of Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

[(k) *Chiropractor*.]

(k) Chiropractic physician.

(L) Certified provider of foster care, or an employee thereof.

(m) Attorney.

(n) Licensed professional counselor.

(o) Licensed marriage and family therapist.

(p) Firefighter or emergency medical services provider.

(q) Court appointed special advocate, as defined in ORS 419A.004.

(r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

(s) Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.

(t) Physical, speech or occupational therapist.

(u) Audiologist.

(v) Speech-language pathologist.

(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

(y) Operator of a preschool recorded program under ORS 329A.255.

(z) Operator of a school-age recorded program under ORS 329A.255.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to an employee of a:

(i) Youth group or center;

(ii) Scout group or camp;

(iii) Summer or day camp;

(iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board, an education service district board or a public charter school governing body.

(hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized service plan of a child with a developmental disability.

(ii) Referral agent, as defined in ORS 418.351.

(jj) Parole and probation officer, as defined in ORS 181A.355.

(kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior analysis interventionist registered by the Health Licensing Office under ORS 676.815.

(LL) Massage therapist, as defined in ORS 687.011.

(mm) Licensed behavioral health and wellness practitioner, as defined in section 1 of this 2026 Act.

SECTION 28. ORS 430.735 is amended to read:

430.735. As used in ORS 430.735 to 430.765:

(1) "Abuse" means one or more of the following:

1 (a) Abandonment, including desertion or willful forsaking of an adult or
2 the withdrawal or neglect of duties and obligations owed an adult by a
3 caregiver or other person.

4 (b) Any physical injury to an adult caused by other than accidental
5 means, or that appears to be at variance with the explanation given of the
6 injury.

7 (c) Willful infliction of physical pain or injury upon an adult.

8 (d) Sexual abuse.

9 (e) Neglect.

10 (f) Verbal abuse of an adult.

11 (g) Financial exploitation of an adult.

12 (h) Involuntary seclusion of an adult for the convenience of the caregiver
13 or to discipline the adult.

14 (i) A wrongful use of a physical or chemical restraint upon an adult, ex-
15 cluding an act of restraint prescribed by a physician licensed under ORS
16 chapter 677, physician associate licensed under ORS 677.505 to 677.525,
17 naturopathic physician licensed under ORS chapter 685 or nurse practitioner
18 licensed under ORS 678.375 to 678.390 and any treatment activities that are
19 consistent with an approved treatment plan or in connection with a court
20 order.

21 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,
22 163.415, 163.425, 163.427, 163.465 or 163.467.

23 (k) Any death of an adult caused by other than accidental or natural
24 means.

25 (L) The restraint or seclusion of an adult with a developmental disability
26 in violation of ORS 339.288, 339.291 or 339.308.

27 (m) The infliction of corporal punishment on an adult with a develop-
28 mental disability in violation of ORS 339.250 (9).

29 (2) "Adult" means a person 18 years of age or older:

30 (a) With a developmental disability who is currently receiving services
31 from a community program or facility or who was previously determined el-

1 igible for services as an adult by a community program or facility;

2 (b) With a severe and persistent mental illness who is receiving mental
3 health treatment from a community program; or

4 (c) Who is receiving services for a substance use disorder or a mental
5 illness in a facility or a state hospital.

6 (3) "Adult protective services" means the necessary actions taken to pre-
7 vent abuse or exploitation of an adult, to prevent self-destructive acts and
8 to safeguard the adult's person, property and funds, including petitioning for
9 a protective order as defined in ORS 125.005. Any actions taken to protect
10 an adult shall be undertaken in a manner that is least intrusive to the adult
11 and provides for the greatest degree of independence.

12 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility
13 that has assumed responsibility for all or a portion of the care of an adult
14 as a result of a contract or agreement.

15 (5) "Community program" includes:

16 (a) A community mental health program or a community developmental
17 disabilities program as established in ORS 430.610 to 430.695; or

18 (b) A provider that is paid directly or indirectly by the Oregon Health
19 Authority to provide mental health treatment in the community.

20 (6) "Facility" means a residential treatment home or facility, residential
21 care facility, adult foster home, residential training home or facility or crisis
22 respite facility.

23 (7) "Financial exploitation" means:

24 (a) Wrongfully taking the assets, funds or property belonging to or in-
25 tended for the use of an adult.

26 (b) Alarming an adult by conveying a threat to wrongfully take or ap-
27 propriate money or property of the adult if the adult would reasonably be-
28 lieve that the threat conveyed would be carried out.

29 (c) Misappropriating, misusing or transferring without authorization any
30 money from any account held jointly or singly by an adult.

31 (d) Failing to use the income or assets of an adult effectively for the

support and maintenance of the adult.

(8) “Intimidation” means compelling or deterring conduct by threat.

(9) “Law enforcement agency” means:

(a) Any city or municipal police department;

(b) A police department established by a university under ORS 352.121 or 353.125;

(c) Any county sheriff’s office;

(d) The Oregon State Police; or

(e) Any district attorney.

(10) “Neglect” means:

(a) Failure to provide the care, supervision or services necessary to maintain the physical and mental health of an adult that may result in physical harm or significant emotional harm to the adult;

(b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

(c) Withholding of services necessary to maintain the health and well-being of an adult that leads to physical harm of the adult.

(11) “Public or private official” means:

(a) Physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525, naturopathic physician, psychologist or [*chiropractor*] **chiropractic physician**, including any intern or resident;

(b) Licensed practical nurse, registered nurse, nurse’s aide, home health aide or employee of an in-home health service;

(c) Employee of the Department of Human Services or Oregon Health Authority, local health department, community mental health program or community developmental disabilities program or private agency contracting with a public body to provide any community mental health service;

(d) Peace officer;

(e) Member of the clergy;

(f) Regulated social worker;

(g) Physical, speech or occupational therapist;

(h) Information and referral, outreach or crisis worker;

(i) Attorney;

(j) Licensed professional counselor or licensed marriage and family therapist;

(k) Any public official;

(L) Firefighter or emergency medical services provider;

(m) Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state;

(n) Personal support worker, as defined in ORS 410.600;

(o) Home care worker, as defined in ORS 410.600; *[or]*

(p) Individual paid by the Department of Human Services to provide a service identified in an individualized service plan of an adult with a developmental disability[.]; **or**

(q) Licensed behavioral health and wellness practitioner, as defined in section 1 of this 2026 Act.

(12) “Services” includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene or any other service essential to the well-being of an adult.

(13)(a) “Sexual abuse” means:

(A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315;

(B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language;

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver;

(D) Any sexual contact between an adult and a relative of the adult other than a spouse;

(E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

(F) Any sexual contact between an individual receiving mental health or

1 substance abuse treatment and the individual providing the mental health
2 or substance abuse treatment.

3 (b) "Sexual abuse" does not mean consensual sexual contact between an
4 adult and a paid caregiver who is the spouse of the adult.

5 (14) "Sexual contact" has the meaning given that term in ORS 163.305.

6 (15) "Verbal abuse" means to threaten significant physical or emotional
7 harm to an adult through the use of:

8 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity
9 or ridicule; or

10 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-
11 elty or inappropriate sexual comments.

12 **SECTION 29.** ORS 609.652 is amended to read:

13 609.652. As used in ORS 609.654:

14 (1)(a) "Aggravated animal abuse" means any animal abuse as described
15 in ORS 167.322.

16 (b) "Aggravated animal abuse" does not include:

17 (A) Good animal husbandry, as defined in ORS 167.310; or

18 (B) Any exemption listed in ORS 167.335.

19 (2) "Law enforcement agency" means:

20 (a) Any city or municipal police department.

21 (b) A police department established by a university under ORS 352.121 or
22 353.125.

23 (c) Any county sheriff's office.

24 (d) The Oregon State Police.

25 (e) A law enforcement division of a county or municipal animal control
26 agency that employs sworn officers.

27 (f) A humane investigation agency as defined in ORS 181A.340 that em-
28 ploys humane special agents commissioned under ORS 181A.340.

29 (3) "Public or private official" means:

30 (a) A physician, including any intern or resident.

31 (b) A dentist.

1 (c) A school employee.

2 (d) A licensed practical nurse or registered nurse.

3 (e) An employee of the Department of Human Services, Oregon Health
4 Authority, Department of Early Learning and Care, Youth Development Di-
5 vision, the Oregon Youth Authority, a local health department, a community
6 mental health program, a community developmental disabilities program, a
7 county juvenile department, a child-caring agency as defined in ORS 418.205
8 or an alcohol and drug treatment program.

9 (f) A peace officer.

10 (g) A psychologist.

11 (h) A member of the clergy.

12 (i) A regulated social worker.

13 (j) An optometrist.

14 (k) A [*chiropractor*] **chiropractic physician**.

15 (L) A certified provider of foster care, or an employee thereof.

16 (m) An attorney.

17 (n) A naturopathic physician.

18 (o) A licensed professional counselor.

19 (p) A licensed marriage and family therapist.

20 (q) A firefighter or emergency medical services provider.

21 (r) A court appointed special advocate, as defined in ORS 419A.004.

22 (s) A child care provider registered or certified under ORS 329A.250 to
23 329A.450.

24 (t) A member of the Legislative Assembly.

25 (u) **A licensed behavioral health and wellness practitioner, as de-**
26 **defined in section 1 of this 2026 Act.**

27
28 **OTHER AMENDMENTS**

29
30 **SECTION 30.** ORS 192.556 is amended to read:

31 192.556. As used in ORS 192.553 to 192.581:

(1) “Authorization” means a document written in plain language that contains at least the following:

(a) A description of the information to be used or disclosed that identifies the information in a specific and meaningful way;

(b) The name or other specific identification of the person or persons authorized to make the requested use or disclosure;

(c) The name or other specific identification of the person or persons to whom the covered entity may make the requested use or disclosure;

(d) A description of each purpose of the requested use or disclosure, including but not limited to a statement that the use or disclosure is at the request of the individual;

(e) An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure;

(f) The signature of the individual or personal representative of the individual and the date;

(g) A description of the authority of the personal representative, if applicable; and

(h) Statements adequate to place the individual on notice of the following:

(A) The individual’s right to revoke the authorization in writing;

(B) The exceptions to the right to revoke the authorization;

(C) The ability or inability to condition treatment, payment, enrollment or eligibility for benefits on whether the individual signs the authorization; and

(D) The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer protected.

(2) “Covered entity” means:

(a) A state health plan;

(b) A health insurer;

(c) A health care provider that transmits any health information in electronic form to carry out financial or administrative activities in connection with a transaction covered by ORS 192.553 to 192.581; or

(d) A health care clearinghouse.

(3) “Health care” means care, services or supplies related to the health of an individual.

(4) “Health care operations” includes but is not limited to:

(a) Quality assessment, accreditation, auditing and improvement activities;

(b) Case management and care coordination;

(c) Reviewing the competence, qualifications or performance of health care providers or health insurers;

(d) Underwriting activities;

(e) Arranging for legal services;

(f) Business planning;

(g) Customer services;

(h) Resolving internal grievances;

(i) Creating deidentified information; and

(j) Fundraising.

(5) “Health care provider” includes but is not limited to:

(a) A psychologist, occupational therapist, regulated social worker, professional counselor or marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675 or an employee of the psychologist, occupational therapist, regulated social worker, professional counselor or marriage and family therapist;

(b) A physician or physician associate licensed under ORS chapter 677, an acupuncturist licensed under ORS 677.759 or an employee of the physician, physician associate or acupuncturist;

(c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of the nurse or nursing home administrator;

(d) A dentist licensed under ORS chapter 679 or an employee of the dentist;

(e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental hygienist or denturist;

1 (f) A speech-language pathologist or audiologist licensed under ORS
2 chapter 681 or an employee of the speech-language pathologist or audiologist;

3 (g) An emergency medical services provider licensed under ORS chapter
4 682;

5 (h) An optometrist licensed under ORS chapter 683 or an employee of the
6 optometrist;

7 (i) A chiropractic physician licensed under ORS chapter 684 or an em-
8 ployee of the chiropractic physician;

9 (j) A naturopathic physician licensed under ORS chapter 685 or an em-
10 ployee of the naturopathic physician;

11 (k) A massage therapist licensed under ORS 687.011 to 687.250 or an em-
12 ployee of the massage therapist;

13 (L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an
14 employee of the direct entry midwife;

15 (m) A physical therapist licensed under ORS 688.010 to 688.201 or an em-
16 ployee of the physical therapist;

17 (n) A medical imaging licensee under ORS 688.405 to 688.605 or an em-
18 ployee of the medical imaging licensee;

19 (o) A respiratory care practitioner licensed under ORS 688.815 or an em-
20 ployee of the respiratory care practitioner;

21 (p) A polysomnographic technologist licensed under ORS 688.819 or an
22 employee of the polysomnographic technologist;

23 (q) A pharmacist licensed under ORS chapter 689 or an employee of the
24 pharmacist;

25 (r) A dietitian licensed under ORS 691.405 to 691.485 or an employee of
26 the dietitian;

27 (s) A funeral service practitioner licensed under ORS chapter 692 or an
28 employee of the funeral service practitioner;

29 **(t) A licensed behavioral health and wellness practitioner as defined**
30 **in section 1 of this 2026 Act;**

31 [(t)] **(u)** A health care facility as defined in ORS 442.015;

1 [(u)] (v) A home health agency as defined in ORS 443.014;

2 [(v)] (w) A hospice program as defined in ORS 443.850;

3 [(w)] (x) A clinical laboratory as defined in ORS 438.010;

4 [(x)] (y) A pharmacy as defined in ORS 689.005; and

5 [(y)] (z) Any other person or entity that furnishes, bills for or is paid for
6 health care in the normal course of business.

7 (6) "Health information" means any oral or written information in any
8 form or medium that:

9 (a) Is created or received by a covered entity, a public health authority,
10 an employer, a life insurer, a school, a university or a health care provider
11 that is not a covered entity; and

12 (b) Relates to:

13 (A) The past, present or future physical or mental health or condition of
14 an individual;

15 (B) The provision of health care to an individual; or

16 (C) The past, present or future payment for the provision of health care
17 to an individual.

18 (7) "Health insurer" means an insurer as defined in ORS 731.106 who of-
19 fers:

20 (a) A health benefit plan as defined in ORS 743B.005;

21 (b) A short term health insurance policy, the duration of which does not
22 exceed three months including renewals;

23 (c) A student health insurance policy;

24 (d) A Medicare supplemental policy; or

25 (e) A dental only policy.

26 (8) "Individually identifiable health information" means any oral or
27 written health information in any form or medium that is:

28 (a) Created or received by a covered entity, an employer or a health care
29 provider that is not a covered entity; and

30 (b) Identifiable to an individual, including demographic information that
31 identifies the individual, or for which there is a reasonable basis to believe

1 the information can be used to identify an individual, and that relates to:

2 (A) The past, present or future physical or mental health or condition of
3 an individual;

4 (B) The provision of health care to an individual; or

5 (C) The past, present or future payment for the provision of health care
6 to an individual.

7 (9) "Payment" includes but is not limited to:

8 (a) Efforts to obtain premiums or reimbursement;

9 (b) Determining eligibility or coverage;

10 (c) Billing activities;

11 (d) Claims management;

12 (e) Reviewing health care to determine medical necessity;

13 (f) Utilization review; and

14 (g) Disclosures to consumer reporting agencies.

15 (10) "Personal representative" includes but is not limited to:

16 (a) A person appointed as a guardian under ORS 125.305, 419B.372,
17 419C.481 or 419C.555 with authority to make medical and health care deci-
18 sions;

19 (b) A person appointed as a health care representative under ORS 127.505
20 to 127.660 or a representative under ORS 127.700 to 127.737 to make health
21 care decisions or mental health treatment decisions;

22 (c) A person appointed as a personal representative under ORS chapter
23 113; and

24 (d) A person described in ORS 192.573.

25 (11)(a) "Protected health information" means individually identifiable
26 health information that is maintained or transmitted in any form of elec-
27 tronic or other medium by a covered entity.

28 (b) "Protected health information" does not mean individually identifiable
29 health information in:

30 (A) Education records covered by the federal Family Educational Rights
31 and Privacy Act (20 U.S.C. 1232g);

(B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

(C) Employment records held by a covered entity in its role as employer.

(12) “State health plan” means:

(a) Medical assistance as defined in ORS 414.025;

(b) The Cover All People program; or

(c) Any medical assistance or premium assistance program operated by the Oregon Health Authority.

(13) “Treatment” includes but is not limited to:

(a) The provision, coordination or management of health care; and

(b) Consultations and referrals between health care providers.

SECTION 31. ORS 414.025 is amended to read:

414.025. As used in this chapter and ORS chapters 411 and 413, unless the context or a specially applicable statutory definition requires otherwise:

(1)(a) “Alternative payment methodology” means a payment other than a fee-for-services payment, used by coordinated care organizations as compensation for the provision of integrated and coordinated health care and services.

(b) “Alternative payment methodology” includes, but is not limited to:

(A) Shared savings arrangements;

(B) Bundled payments; and

(C) Payments based on episodes.

(2) “Behavioral health assessment” means an evaluation by a behavioral health clinician, in person or using telemedicine, to determine a patient’s need for immediate crisis stabilization.

(3) “Behavioral health clinician” means:

(a) A licensed psychiatrist;

(b) A licensed psychologist;

(c) A licensed nurse practitioner with a specialty in psychiatric mental health;

(d) A licensed clinical social worker;

(e) A licensed professional counselor or licensed marriage and family

therapist;

(f) A certified clinical social work associate;

(g) A licensed behavioral health and wellness practitioner;

[(g)] **(h)** An intern or resident who is working under a board-approved supervisory contract in a clinical mental health field; or

[(h)] **(i)** Any other clinician whose authorized scope of practice includes mental health diagnosis and treatment.

(4) “Behavioral health crisis” means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate outpatient treatment in an emergency department or admission to a hospital to prevent a serious deterioration in the individual’s mental or physical health.

(5) “Behavioral health home” means a mental health disorder or substance use disorder treatment organization, as defined by the Oregon Health Authority by rule, that provides integrated health care to individuals whose primary diagnoses are mental health disorders or substance use disorders.

(6) “Category of aid” means assistance provided by the Oregon Supplemental Income Program, aid granted under ORS 411.877 to 411.896 and 412.001 to 412.069 or federal Supplemental Security Income payments.

(7) “Community health worker” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who:

(a) Has expertise or experience in public health;

(b) Works in an urban or rural community, either for pay or as a volunteer in association with a local health care system;

(c) To the extent practicable, shares ethnicity, language, socioeconomic status and life experiences with the residents of the community the worker serves;

(d) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness;

(e) Provides health education and information that is culturally appro-

priate to the individuals being served;

(f) Assists community residents in receiving the care they need;

(g) May give peer counseling and guidance on health behaviors; and

(h) May provide direct services such as first aid or blood pressure screening.

(8) “Coordinated care organization” means an organization meeting criteria adopted by the Oregon Health Authority under ORS 414.572.

(9) “Dental subcontractor” means a prepaid managed care health services organization that enters into a noncomprehensive risk contract with a coordinated care organization or the Oregon Health Authority to provide dental services to medical assistance recipients.

(10) “Doula” means a trained professional who provides continuous physical, emotional and informational support to an individual during pregnancy, labor and delivery or the postpartum period to help the individual achieve the healthiest and most satisfying experience possible.

(11) “Dually eligible for Medicare and Medicaid” means, with respect to eligibility for enrollment in a coordinated care organization, that an individual is eligible for health services funded by Title XIX of the Social Security Act and is:

(a) Eligible for or enrolled in Part A of Title XVIII of the Social Security Act; or

(b) Enrolled in Part B of Title XVIII of the Social Security Act.

(12)(a) “Family support specialist” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who provides supportive services to and has experience parenting a child who:

(A) Is a current or former consumer of mental health or addiction treatment; or

(B) Is facing or has faced difficulties in accessing education, health and wellness services due to a mental health or behavioral health barrier.

(b) A “family support specialist” may be a peer wellness specialist or a peer support specialist.

(13) “Global budget” means a total amount established prospectively by the Oregon Health Authority to be paid to a coordinated care organization for the delivery of, management of, access to and quality of the health care delivered to members of the coordinated care organization.

(14) “Health insurance exchange” or “exchange” means an American Health Benefit Exchange described in 42 U.S.C. 18031, 18032, 18033 and 18041.

(15) “Health services” means at least so much of each of the following as are funded by the Legislative Assembly based upon the prioritized list of health services compiled by the Health Evidence Review Commission under ORS 414.690:

(a) Services required by federal law to be included in the state’s medical assistance program in order for the program to qualify for federal funds;

(b) Services provided by a physician as defined in ORS 677.010, a nurse practitioner licensed under ORS 678.375, a behavioral health clinician or other licensed practitioner within the scope of the practitioner’s practice as defined by state law, and ambulance services;

(c) Prescription drugs;

(d) Laboratory and X-ray services;

(e) Medical equipment and supplies;

(f) Mental health services;

(g) Chemical dependency services;

(h) Emergency dental services;

(i) Nonemergency dental services;

(j) Provider services, other than services described in paragraphs (a) to (i), (k), (L) and (m) of this subsection, defined by federal law that may be included in the state’s medical assistance program;

(k) Emergency hospital services;

(L) Outpatient hospital services; and

(m) Inpatient hospital services.

(16) “Income” has the meaning given that term in ORS 411.704.

(17)(a) “Integrated health care” means care provided to individuals and

1 their families in a patient centered primary care home or behavioral health
2 home by licensed primary care clinicians, behavioral health clinicians and
3 other care team members, working together to address one or more of the
4 following:

5 (A) Mental illness.

6 (B) Substance use disorders.

7 (C) Health behaviors that contribute to chronic illness.

8 (D) Life stressors and crises.

9 (E) Developmental risks and conditions.

10 (F) Stress-related physical symptoms.

11 (G) Preventive care.

12 (H) Ineffective patterns of health care utilization.

13 (b) As used in this subsection, “other care team members” includes but
14 is not limited to:

15 (A) Qualified mental health professionals or qualified mental health as-
16 sociates meeting requirements adopted by the Oregon Health Authority by
17 rule;

18 (B) Peer wellness specialists;

19 (C) Peer support specialists;

20 (D) Community health workers who have completed a state-certified
21 training program;

22 (E) Personal health navigators; or

23 (F) Other qualified individuals approved by the Oregon Health Authority.

24 (18) “Investments and savings” means cash, securities as defined in ORS
25 59.015, negotiable instruments as defined in ORS 73.0104 and such similar
26 investments or savings as the department or the authority may establish by
27 rule that are available to the applicant or recipient to contribute toward
28 meeting the needs of the applicant or recipient.

29 (19) “Medical assistance” means so much of the medical, mental health,
30 preventive, supportive, palliative and remedial care and services as may be
31 prescribed by the authority according to the standards established pursuant

to ORS 414.065, including premium assistance under ORS 414.115 and 414.117, payments made for services provided under an insurance or other contractual arrangement and money paid directly to the recipient for the purchase of health services and for services described in ORS 414.710.

(20) “Medical assistance” includes any care or services for any individual who is a patient in a medical institution or any care or services for any individual who has attained 65 years of age or is under 22 years of age, and who is a patient in a private or public institution for mental diseases. Except as provided in ORS 411.439 and 411.447, “medical assistance” does not include care or services for a resident of a nonmedical public institution.

(21) “Mental health drug” means a type of legend drug, as defined in ORS 414.325, specified by the Oregon Health Authority by rule, including but not limited to:

(a) Therapeutic class 7 ataractics-tranquilizers; and

(b) Therapeutic class 11 psychostimulants-antidepressants.

(22) “Patient centered primary care home” means a health care team or clinic that is organized in accordance with the standards established by the Oregon Health Authority under ORS 414.655 and that incorporates the following core attributes:

(a) Access to care;

(b) Accountability to consumers and to the community;

(c) Comprehensive whole person care;

(d) Continuity of care;

(e) Coordination and integration of care; and

(f) Person and family centered care.

(23) “Peer support specialist” means any of the following individuals who meet qualification criteria adopted by the authority under ORS 414.665 and who provide supportive services to a current or former consumer of mental health or addiction treatment:

(a) An individual who is a current or former consumer of mental health treatment; or

(b) An individual who is in recovery, as defined by the Oregon Health Authority by rule, from an addiction disorder.

(24) “Peer wellness specialist” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who is responsible for assessing mental health and substance use disorder service and support needs of a member of a coordinated care organization through community outreach, assisting members with access to available services and resources, addressing barriers to services and providing education and information about available resources for individuals with mental health or substance use disorders in order to reduce stigma and discrimination toward consumers of mental health and substance use disorder services and to assist the member in creating and maintaining recovery, health and wellness.

(25) “Person centered care” means care that:

(a) Reflects the individual patient’s strengths and preferences;

(b) Reflects the clinical needs of the patient as identified through an individualized assessment; and

(c) Is based upon the patient’s goals and will assist the patient in achieving the goals.

(26) “Personal health navigator” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who provides information, assistance, tools and support to enable a patient to make the best health care decisions in the patient’s particular circumstances and in light of the patient’s needs, lifestyle, combination of conditions and desired outcomes.

(27) “Prepaid managed care health services organization” means a managed dental care, mental health or chemical dependency organization that contracts with the authority under ORS 414.654 or with a coordinated care organization on a prepaid capitated basis to provide health services to medical assistance recipients.

(28) “Quality measure” means the health outcome and quality measures and benchmarks identified by the Health Plan Quality Metrics Committee

and the metrics and scoring subcommittee in accordance with ORS 413.017 (4) and 413.022 and the quality metrics developed by the Behavioral Health Committee in accordance with ORS 413.017 (5).

(29)(a) “Quality of life in general measure” means an assessment of the value, effectiveness or cost-effectiveness of a treatment that gives greater value to a year of life lived in perfect health than the value given to a year of life lived in less than perfect health.

(b) “Quality of life in general measure” does not mean an assessment of the value, effectiveness or cost-effectiveness of a treatment during a clinical trial in which a study participant is asked to rate the participant’s physical function, pain, general health, vitality, social functions or other similar domains.

(30) “Resources” has the meaning given that term in ORS 411.704. For eligibility purposes, “resources” does not include charitable contributions raised by a community to assist with medical expenses.

(31) “Social determinants of health” means:

(a) Nonmedical factors that influence health outcomes;

(b) The conditions in which individuals are born, grow, work, live and age; and

(c) The forces and systems that shape the conditions of daily life, such as economic policies and systems, development agendas, social norms, social policies, racism, climate change and political systems.

(32) “Tribal traditional health worker” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who:

(a) Has expertise or experience in public health;

(b) Works in a tribal community or an urban Indian community, either for pay or as a volunteer in association with a local health care system;

(c) To the extent practicable, shares ethnicity, language, socioeconomic status and life experiences with the residents of the community the worker serves;

(d) Assists members of the community to improve their health, including

physical, behavioral and oral health, and increases the capacity of the community to meet the health care needs of its residents and achieve wellness;

(e) Provides health education and information that is culturally appropriate to the individuals being served;

(f) Assists community residents in receiving the care they need;

(g) May give peer counseling and guidance on health behaviors; and

(h) May provide direct services, such as tribal-based practices.

(33)(a) “Youth support specialist” means an individual who meets qualification criteria adopted by the authority under ORS 414.665 and who, based on a similar life experience, provides supportive services to an individual who:

(A) Is not older than 30 years of age; and

(B)(i) Is a current or former consumer of mental health or addiction treatment; or

(ii) Is facing or has faced difficulties in accessing education, health and wellness services due to a mental health or behavioral health barrier.

(b) A “youth support specialist” may be a peer wellness specialist or a peer support specialist.

SECTION 32. ORS 675.661 is amended to read:

675.661. A public or private entity that employs mental health care providers who supervise associates, interns or other individuals who must have supervised clinical experience as a condition of licensure as a mental health care provider shall pay all costs incurred by the supervisor in providing supervision and the costs of the individual receiving supervision if the supervisor is:

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

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

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

(4) A licensed marriage and family therapist, as defined in ORS 675.705; [or]

(5) A licensed professional counselor, as defined in ORS 675.705[.]; **or**

1 **(6) A licensed behavioral health and wellness practitioner, as de-**
2 **fin ed in section 1 of this 2026 Act.**

3 **SECTION 33.** ORS 675.850 is amended to read:

4 675.850. (1) A mental health care or social health professional may not
5 practice conversion therapy if the recipient of the conversion therapy is un-
6 der 18 years of age.

7 (2) As used in this section:

8 (a)(A) “Conversion therapy” means providing professional services for the
9 purpose of attempting to change a person’s sexual orientation or gender
10 identity, including attempting to change behaviors or expressions of self or
11 to reduce sexual or romantic attractions or feelings toward individuals of the
12 same gender.

13 (B) “Conversion therapy” does not mean:

14 (i) Counseling that assists a client who is seeking to undergo a gender
15 transition or who is in the process of undergoing a gender transition; or

16 (ii) Counseling that provides a client with acceptance, support and
17 understanding, or counseling that facilitates a client’s coping, social support
18 and identity exploration or development, including counseling in the form
19 of sexual orientation-neutral or gender identity-neutral interventions pro-
20 vided for the purpose of preventing or addressing unlawful conduct or unsafe
21 sexual practices, as long as the counseling is not provided for the purpose
22 of attempting to change the client’s sexual orientation or gender identity.

23 (b)(A) “Mental health care or social health professional” means:

24 (i) A licensed psychologist as defined in ORS 675.010;

25 (ii) A psychologist associate licensed by the Oregon Board of Psychology
26 before January 1, 2022;

27 **(iii) A licensed behavioral health and wellness practitioner as de-**
28 **fin ed in section 1 of this 2026 Act;**

29 [(iii)] **(iv)** An occupational therapist or occupational therapy assistant
30 both as defined in ORS 675.210;

31 [(iv)] **(v)** A regulated social worker as defined in ORS 675.510;

1 [(v)] (vi) A licensed marriage and family therapist or licensed professional
2 counselor both as defined in ORS 675.705;

3 [(vi)] (vii) An individual who provides counseling as part of an educa-
4 tional or training program necessary to practice any of the professions de-
5 scribed in sub-subparagraphs (i) to [(v)] (vi) of this subparagraph; and

6 [(vii)] (viii) A behavior analyst or assistant behavior analyst licensed
7 under ORS 676.810 or a behavior analysis interventionist registered under
8 ORS 676.815.

9 (B) “Mental health care or social health professional” includes any indi-
10 vidual not described in this paragraph who is licensed in this state and
11 whose license authorizes the individual to provide mental health care or so-
12 cial health counseling services.

13 (3) Any state board that regulates licensees described in subsection
14 (2)(b)(B) of this section may impose any form of discipline that the board
15 may impose on a licensee under the laws of this state for violating a law of
16 this state or a rule adopted by the board.

17 CAPTIONS

18
19
20 **SECTION 34.** The unit captions used in this 2026 Act are provided
21 only for the convenience of the reader and do not become part of the
22 statutory law of this state or express any legislative intent in the
23 enactment of this 2026 Act.

24 OPERATIVE AND EFFECTIVE DATES

25
26
27 **SECTION 35.** (1) The amendments to ORS 124.050, 192.556, 414.025,
28 419B.005, 430.735, 609.652, 675.661 and 675.850 by sections 25 to 33 of this
29 2026 Act become operative on January 1, 2027.

30 (2) The Department of Human Services and the Oregon Board of
31 Psychology may take any action before the operative date specified in

7 **SECTION 36.** This 2026 Act takes effect on the 91st day after the
8 date on which the 2026 regular session of the Eighty-third Legislative
9 Assembly adjourns sine die.
