



The Libertarian Party of Oregon Opposes SB1547, an expansion of professional licensing to a low income profession in the context of Oregon’s already onerous professional licensing regime.

This bill creates a professional licensing regime for the vaguely defined profession of “Behavioral health and Wellness practitioner.” Such a specific license does not exist in any other state, but is essentially a regulation of speech – anyone who gives advice about anything having to do with “being well” (whatever that is) the state doesn’t like could be hit with administrative fine with no judicial remedy or review. Oregon should not stand out as the only state where one is “licensed” to give wellness advice.

A particular problem with this bill is it excludes many out-of-state telehealth counselors for providing Life Coaching and “Wellness Advice” to Oregon residents, especially when state administrative regulations require only “licensed” providers. Out of state certified providers, although qualified, will be put at a disadvantage. This will only increase the cost of these services for Oregonians. Oregon already experiences this problem when a Black boy with asthma living near a polluted Albina freeway cannot receive a telehealth prescription for an inhaler from an out of state Nurse Practitioner because Oregon does not recognize out of state Nursing licenses.

Certification programs by the Wellness Council of America, the National Wellness Institute, and National Board of Certified Health and Wellness coaches already exist. If a customer of Behavioral health or Wellness services is concerned about quality, a practitioner can advertise his/herself as certified. This bill also pre-empts Oregon’s many fine 2-year community colleges from offering certification and certificate programs in this area, as this bill requires a 4-year degree to be “licensed.” Board Certification requires a minimum of 75 hours of instruction, far less than the 700 hours of unpaid time this bill creates.

The Institute of Justice ranks Oregon the 7th most burdensome state in the U.S. for occupational licensing, with 69 of 102 lower-income professions requiring licensing. In 2014, the Obama Administration called Oregon out for its excessive occupational licensing and how this disproportionately impacts minorities and minority communities¹.

Professional and occupational licensing in Oregon has its roots in Jim Crow. The state’s first occupational licensing of Doctors was not inspired by a desire to protect the public but to exclude from practice graduates of the medical schools of Historically Black Universities whose credentials were not accepted by the Oregon Medical Board.

Subsequent licensure regimes are an act of protectionism. To obtain the proposed “Wellness Practitioner” license, a licensee must complete 700 hours of unpaid training on top of having a four year degree. Such barriers to entry of professions are proven to exclude racial and ethnic minorities from professional practice – and such exclusion hurts the people of Oregon who lack access to such services due to the artificial scarcity created by the licensure burden. A “Behavioral Health practitioner” might be a gay person

¹ Dept. of the Treasury Office of Economic Policy: “Occupational Licensing: A Framework for Policymakers” (July 15, 2014)

https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf



who leads a support group at a high school for students struggling with the decision whether or not to come out. Such advice comes from lived experience, not 700 hours of unpaid training.

This bill recognizes the doublespeak that “Behavioral health practitioner” and “wellness practitioner” is essentially somebody who speaks and gives advice – activity that cannot be regulated on constitutional grounds. Therefore it creates a “licensed behavioral health practitioner.” What’s the difference? Payola.

What occurs in this situation is employers then restrict jobs to only those that are “licensed,” even when the job description does not require such excessive and often unrelated training. For nonprofit service providers, this artificially inflates wages. For example, a Portland nonprofit that does street outreach in order to connect individuals to services could be forced by government grants only to hire “licensed behavioral health” outreach workers. Some people are simply naturally gifted at doing this work, but this licensure regime would exclude them from opportunities.

Imagine a regulation requiring Oregon schools only allow wellness advice come from “Licensed Wellness Practitioners.” A teacher saying students should get more exercise – FINE for practicing wellness without a license. A school newsletter saying the new food pyramid is good – FINE for practicing wellness without a license. The State board of Psychology finds a “wellness website” with a blog post about the wellness benefits of MDMA or ivermectin – FINE for the unlicensed practice of Wellness. A giver of a Portland TED talk says he was able to quit alcohol by taking up jogging while on LSD – FINE for the unlicensed practice of behavioral health. And all of this creates a chilling effect on speech.

We also raise concern with the term “brief intervention,” giving licensees the right to ... do what, exactly? The term is undefined in the proposed law. It is well established that the ability of a so-called professional to identify suicide ideation is no better than the toss of a coin, and the trauma of being involuntarily confined because “someone says something about you because they know what you think because they have a license” actually causes suicide, especially for people who are kidnapped by white coated “licensed experts” put in a cage after having to strip down in front of a board of “mental health professionals,” and billed for the privilege because some “licensed” person heard they were sad and now they have the added trauma of medical bills and have to relive the PTSD of their involuntary confinement and degradation.

Oregon needs to get rid of occupational licensure, not do more of it.

The Libertarian Party of Oregon, founded in 1971, is the state affiliate of the third largest political party in the United States. We currently represent over 20,000 registered Oregonians but speak for a silent majority of nonaffiliated voters. Over the years, our advocacy has advanced policies that would never have been considered by the Monoparty such as gay liberation and cannabis legalization.