

**Enrolled**  
**Senate Bill 491**

Sponsored by COMMITTEE ON HEALTH CARE AND HUMAN SERVICES

CHAPTER .....

AN ACT

Relating to provision of medical services to minors by persons licensed by the Oregon Board of Licensed Professional Counselors and Therapists; creating new provisions; and amending ORS 109.675, 109.680 and 109.685.

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

**SECTION 1.** ORS 109.675 is amended to read:

109.675. (1) A minor 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, excluding methadone maintenance, by a physician licensed by the Oregon Medical Board, a psychologist licensed by the State Board of Psychologist Examiners, a nurse practitioner registered by the Oregon State Board of Nursing, a clinical social worker licensed by the State Board of Licensed Social Workers, **a professional counselor or marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists** or a community mental health program established and operated pursuant to ORS 430.620 when approved to do so by the Oregon Health Authority pursuant to rule.

(2) However, the person providing treatment shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, which shall be documented in the treatment record. The provisions of this subsection do not apply to:

(a) A minor who has been sexually abused by a parent; or

(b) An emancipated minor, whether emancipated under the provisions of ORS 109.510 and 109.520 or 419B.550 to 419B.558 or, for the purpose of this section only, emancipated by virtue of having lived apart from the parents or legal guardian while being self-sustaining for a period of 90 days prior to obtaining treatment as provided by this section.

**SECTION 2.** ORS 109.680 is amended to read:

109.680. A physician, psychologist, nurse practitioner, clinical social worker licensed under ORS 675.530, **professional counselor or marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists** or community mental health program described in ORS 109.675 may advise the parent or parents or legal guardian of any minor described in ORS 109.675 of the diagnosis or treatment whenever the disclosure is clinically appropriate and will serve the best interests of the minor's treatment because the minor's condition has deteriorated or the risk of a suicide attempt has become such that inpatient treatment is necessary, or the minor's condition requires detoxification in a residential or acute care facility. If such disclosure is made, the physician, psychologist, nurse practitioner, clinical social worker licensed under ORS 675.530, **professional counselor or marriage and family therapist licensed by the Oregon**

**Board of Licensed Professional Counselors and Therapists** or community mental health program shall not be subject to any civil liability for advising the parent, parents or legal guardian without the consent of the minor.

**SECTION 3.** ORS 109.685 is amended to read:

109.685. A physician, psychologist, nurse practitioner, clinical social worker licensed under ORS 675.530, **professional counselor or marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists** or community mental health program described in ORS 109.675 who in good faith provides diagnosis or treatment to a minor as authorized by ORS 109.675 shall not be subject to any civil liability for providing such diagnosis or treatment without consent of the parent or legal guardian of the minor.

**SECTION 4. The amendments to ORS 109.675, 109.680 and 109.685 by sections 1 to 3 of this 2013 Act apply to diagnoses and treatments provided to a minor on or after the effective date of this 2013 Act.**

**Passed by Senate March 12, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 13, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2013

**Approved:**

.....M.,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2013

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Kate Brown, Secretary of State