

# House Bill 2361

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Board of Licensed Professional Counselors and Therapists)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes exemption from licensure by Oregon Board of Licensed Professional Counselors and Therapists for certain persons.

## A BILL FOR AN ACT

1  
2 Relating to counseling; amending ORS 675.825.

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

4 **SECTION 1.** ORS 675.825 is amended to read:

5 675.825. (1) A person may not:

6 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent represen-  
7 tation.

8 (b) Engage in or purport to the public to be engaged in the practice of professional counseling  
9 under the title "licensed professional counselor" unless the person is a licensee.

10 (c) Engage in or purport to the public to be engaged in the practice of marriage and family  
11 therapy under the title of "licensed marriage and family therapist" unless the person is a licensee.

12 (d) Engage in the practice of professional counseling or marriage and family therapy unless:

13 (A) The person is a licensee, registered intern or graduate student pursuing a graduate degree  
14 in counseling or marriage and family therapy; or

15 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-  
16 section (3) of this section.

17 (e) Provide counseling or therapy services of a psychotherapeutic nature if the person's license  
18 to practice as a professional counselor or as a marriage and family therapist has been revoked by  
19 the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged  
20 in sexual activity with a client.

21 (2) A licensed psychologist whose license, or a regulated social worker whose authorization to  
22 practice regulated social work, was issued prior to October 1, 1991, may use the title "marriage and  
23 family therapist."

24 (3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:

25 (a) Licensed, certified, registered or similarly regulated under the laws of this state and who is  
26 performing duties within the authorized scope of practice of the license, certification, registration  
27 or regulation.

28 (b) A recognized member of the clergy, provided that the person is acting in the person's  
29 ministerial capacity.

30 (c) Employed by a local, state or federal agency or any agency licensed or certified by the state  
31 to provide mental health or health services, if the person's activities constituting professional

**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 counseling or marriage and family therapy are performed within the scope of the person's employ-  
2 ment.

3 (d) Authorized to provide addiction treatment services under rules of the Department of Human  
4 Services.

5 *[(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person's profession or*  
6 *restricts a person from providing counseling services or services related to marriage and family if the*  
7 *person:]*

8 *[(a) Does not meet the requirements of ORS 675.715 (1)(b); or]*

9 *[(b) Does not practice:]*

10 *[(A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or]*

11 *[(B) Professional counseling as defined in ORS 675.705 (7)(a).]*

12 *[(5)] (4) Each violation of this section is a separate violation.*

13 *[(6)] (5) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of*  
14 *this section.*

15