

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2472**

1 On page 1 of the printed bill, line 2, delete “675.360,”.

2 In line 4, after “676.595” insert “and section 13, chapter 421, Oregon Laws
3 2017; repealing ORS 675.360”.

4 Delete lines 6 through 30 and delete pages 2 through 6.

5 On page 7, delete lines 1 through 40 and insert:

6 **“SECTION 1.** ORS 675.365 is amended to read:

7 “675.365. As used in ORS 675.360 to 675.410:

8 “(1) ‘Certified associate [*sex offender*] **sexual offense** therapist’ means a
9 person who is certified under ORS 675.375 or 675.380 to provide services for
10 the treatment and rehabilitation of persons described in ORS 675.368 while
11 under the direct supervision of a certified clinical [*sex offender*] **sexual of-**
12 **fense** therapist.

13 “(2) ‘Certified clinical [*sex offender*] **sexual offense** therapist’ means a
14 person who is certified under ORS 675.375 or 675.380 to provide services for
15 the treatment and rehabilitation of persons described in ORS 675.368 and
16 who may supervise certified associate [*sex offender*] **sexual offense** thera-
17 **pists, certified secondary clinical sexual offense therapists and certified**
18 **sexual offense therapist interns.**

19 “(3) ‘Certified secondary [*associate sex offender*] **clinical sexual offense**
20 **therapist**’ means a person who is certified under ORS 675.375 or 675.380 to
21 provide limited services for the treatment and rehabilitation of persons de-

1 scribed in ORS 675.368 under the direct supervision of a certified clinical
2 [*sex offender*] **sexual offense** therapist.

3 “(4) ‘Certified [*sex offender*] **sexual offense** therapist’ means a certified
4 clinical [*sex offender*] **sexual offense** therapist, a certified associate [*sex*
5 *offender*] **sexual offense** therapist, [*or*] a certified secondary [*associate sex*
6 *offender*] **clinical sexual offense** therapist **or a certified sexual offense**
7 **therapist intern.**

8 “(5) ‘Certified sexual offense therapist intern’ means a person who:

9 “(a) **Has not completed the supervised clinical experience and**
10 **training required to be a certified associate sexual offense therapist;**
11 **and**

12 “(b) **Is certified under ORS 675.375 to provide services for the**
13 **treatment and rehabilitation of persons described in ORS 675.368 while**
14 **under the direct supervision of a certified clinical sexual offense**
15 **therapist.**

16 “[5] (6) ‘Direct supervision’ means a minimum **number** of [*two*] hours
17 of supervision by a certified clinical [*sex offender*] **sexual offense** therapist
18 [*for each.:*] **required under ORS 675.375.**

19 “[*(a) 45 hours of direct clinical contact with a person described in ORS*
20 *675.368, if the individual being supervised is a certified associate sex offender*
21 *therapist; or*]

22 “[*(b) 10 hours of direct clinical contact with a person described in ORS*
23 *675.368, if the individual being supervised is a certified secondary associate*
24 *sex offender therapist.*]

25 “[6] (7) ‘Professional disclosure statement’ means a statement about an
26 applicant for certification under ORS 675.375 or 675.380 that includes the
27 following information:

28 “(a) Name, business address and telephone number;

29 “(b) Philosophy and approach to treatment and rehabilitation of persons
30 described in ORS 675.368;

1 “(c) Formal education and training;
2 “(d) Continuing education experience and name of supervisor, if any;
3 “(e) Fee schedules for sexual abuse specific treatment services; and
4 “(f) The name, address and telephone number of the [*Sex Offender*] **Sexual**
5 **Offense Treatment Board.**

6 “[~~(7)~~] (8) ‘Sexual abuse specific treatment’ means the process of evalu-
7 ation, assessment and reformation of persons described in ORS 675.368.

8 **“SECTION 2.** ORS 675.370 is amended to read:

9 “675.370. (1) A person may not:

10 “(a) Engage in the practice of sexual abuse specific treatment or assume
11 or use any title, words or abbreviations, including the title or designation
12 ‘certified clinical [*sex offender*] **sexual offense** therapist,’ ‘certified associate
13 [*sex offender*] **sexual offense** therapist,’ [*or*] ‘certified secondary [*associate*
14 *sex offender*] **clinical sexual offense** therapist[,]’ **or ‘certified sexual of-**
15 **fense therapist intern,’** that indicate that the person is authorized to en-
16 gage in the practice of sexual abuse specific treatment unless the person
17 holds a certificate issued under ORS 675.375 or 675.380.

18 “(b) Attempt to obtain a certificate or renewal of a certificate under ORS
19 675.360 to 675.380 by bribery or fraudulent representation.

20 “[~~(2)~~] *Subsection (1) of this section does not prohibit a person who is au-*
21 *thorized to practice a mental health profession other than sexual abuse specific*
22 *treatment under the laws of this state:]*

23 “[*(a) From practicing the person’s mental health profession; or]*

24 “[*(b) From providing sexual abuse specific treatment if the provision of*
25 *sexual abuse specific treatment is within the person’s scope of practice.]*

26 “[~~(3)~~] (2) Each violation of subsection (1) of this section is a separate vi-
27 olation.

28 **“SECTION 3.** ORS 675.375 is amended to read:

29 “675.375. (1) To obtain certification as a clinical [*sex offender*] **sexual**
30 **offense** therapist, associate [*sex offender*] **sexual offense** therapist, [*or*]

1 secondary [*associate sex offender*] **clinical sexual offense** therapist or **sex-**
2 **ual offense therapist intern**, an applicant must complete an application
3 developed and prescribed by the [*Sex Offender*] **Sexual Offense** Treatment
4 Board and file a professional disclosure statement with the Health Licensing
5 Office. The documents must be accompanied by the applicable fees estab-
6 lished under ORS 676.576.

7 “(2) Subject to the provisions of ORS 676.612, the office may issue
8 [*three*] **four** types of certification to qualified applicants under this section:

9 “(a) Clinical [*sex offender*] **sexual offense** therapist;

10 “(b) Associate [*sex offender*] **sexual offense** therapist; [*and*]

11 “(c) Secondary [*associate sex offender*] **clinical sexual offense** therapist;
12 **and**

13 “(d) **Sexual offense therapist intern**.

14 “(3) To qualify as a certified clinical [*sex offender*] **sexual offense** ther-
15 apist, the applicant must:

16 “(a) Be in compliance with applicable provisions and rules adopted by the
17 office;

18 “(b) Have at least a master’s degree in the behavioral sciences;

19 “(c) Have an active Oregon mental health professional license or equiv-
20 alent license as determined by the office;

21 “(d) Within not [*less than three years nor*] more than six years prior to
22 application, have had a minimum of 2,000 hours of direct clinical contact
23 with persons described in ORS 675.368, including:

24 “(A) 1,000 hours of direct treatment services; and

25 “(B) 500 hours of evaluations; and

26 “(e) Have a minimum of 60 hours of formal training applicable to sexual
27 abuse specific treatment and evaluation, achieved within the [*three*] **six** years
28 prior to application.

29 “(4) To qualify as a certified associate [*sex offender*] **sexual offense**
30 therapist, the applicant must:

1 “(a) Be in compliance with applicable provisions and rules adopted by the
2 office;

3 “(b) Have at least a bachelor’s degree in the behavioral sciences;

4 “(c) Have had a minimum of 1,000 hours of direct clinical contact with
5 persons described in ORS 675.368;

6 “(d) Have a minimum of 30 hours of formal training applicable to sexual
7 abuse specific treatment and evaluation, achieved within the three years
8 prior to application; and

9 “(e) Be under the direct supervision of a certified clinical [*sex offender*]
10 **sexual offense** therapist.

11 “(5) To qualify as a certified secondary [*associate sex offender*] **clinical**
12 **sexual offense** therapist, the applicant must:

13 “(a) Be in compliance with applicable provisions and rules adopted by the
14 office;

15 “(b) Have at least a master’s degree in the behavioral sciences;

16 “(c) Have an active Oregon mental health professional license or equiv-
17 alent license as determined by the office or be a registered intern for a
18 mental health professional licensed in Oregon;

19 “(d) Have a minimum of 15 hours of formal training applicable to sexual
20 abuse specific treatment and evaluation, achieved within the three years
21 prior to application;

22 “(e) Be under the direct supervision of a certified clinical [*sex offender*]
23 **sexual offense** therapist; and

24 “(f) Provide sexual abuse specific treatment services to not more than
25 nine clients in a calendar month, unless the applicant is accruing hours to
26 qualify for application as a certified associate [*sex offender*] **sexual offense**
27 therapist.

28 “(6) To qualify as a certified sexual offense therapist intern, the
29 applicant must:

30 “(a) Be in compliance with applicable provisions and rules adopted

1 by the office;

2 “(b) Have at least a bachelor’s degree in the behavioral sciences;
3 and

4 “(c) Be under the direct supervision of a certified clinical sexual
5 offense therapist.

6 “(7)(a) A certified associate sexual offense therapist and a certified
7 sexual offense therapist intern must obtain:

8 “(A) A minimum of two hours of direct supervision, at least one
9 hour of which must be individual supervision, in a month if the cer-
10 tified associate sexual offense therapist or certified sexual offense
11 therapist intern has 45 or fewer hours in the month of direct clinical
12 contact with a person described in ORS 675.368.

13 “(B) A minimum of three hours of direct supervision, at least 90
14 minutes of which must be individual supervision, in a month if the
15 certified associate sexual offense therapist or certified sexual offense
16 therapist intern has more than 45 hours in the month of direct clinical
17 contact with a person described in ORS 675.368.

18 “(b) A certified secondary clinical sexual offense therapist must
19 obtain at least two hours of direct supervision for every 10 hours of
20 direct clinical contact with a person described in ORS 675.368.

21 “SECTION 4. ORS 675.380 is amended to read:

22 “675.380. Upon receipt of an application and the applicable fees estab-
23 lished under ORS 676.576, the Health Licensing Office shall certify a clinical
24 [*sex offender*] **sexual offense** therapist, associate [*sex offender*] **sexual of-**
25 **fense** therapist or secondary [*associate sex offender*] **clinical sexual offense**
26 therapist if the applicant provides evidence to the satisfaction of the office
27 that the applicant is recognized as a clinical [*sex offender*] **sexual offense**
28 therapist, associate [*sex offender*] **sexual offense** therapist or secondary
29 [*associate sex offender*] **clinical sexual offense** therapist in another state in
30 which the requirements for recognition are, in the judgment of the office, in

1 consultation with the [*Sex Offender*] **Sexual Offense** Treatment Board, at
2 least equivalent to the requirements of ORS 675.360 to 675.410 and rules of
3 the office.

4 **“SECTION 5.** ORS 675.382 is amended to read:

5 “675.382. [(1)] ORS 675.360 to 675.410 do not apply to:

6 “[*(a)*] (1) A student enrolled in an approved educational program who is
7 pursuing a graduate degree in a mental health field, if the student provides
8 sexual abuse specific treatment services only for academic credit as part of
9 an organized and supervised training program.

10 “[*(b)*] (2) A person employed by a local, state or federal government
11 agency, community mental health program or drug and alcohol treatment
12 program licensed or certified in this state, if the person’s activities and ser-
13 vices are performed and provided within the person’s scope of employment.

14 “[*(c)*] (3) A person who is a recognized member of the clergy, if the person
15 is acting in the person’s capacity as a member of the clergy.

16 “[*(2)* A person described in subsection (1) of this section may not use the
17 title ‘certified clinical sex offender therapist,’ ‘certified associate sex offender
18 therapist,’ ‘certified secondary associate sex offender therapist’ or a similar ti-
19 tle.]

20 **“SECTION 6.** ORS 675.384 is amended to read:

21 “675.384. A person who engages in the practice of sexual abuse specific
22 treatment as a certified clinical [*sex offender*] **sexual offense** therapist, and
23 who did not hold an active Oregon mental health professional license or
24 equivalent license as determined by the Health Licensing Office as of the
25 date of the person’s initial certification, may continue to engage in the
26 practice of sexual abuse specific treatment as a certified clinical [*sex*
27 *offender*] **sexual offense** therapist only if the person obtains an Oregon
28 mental health professional license or equivalent license as determined by the
29 office not later than January 1, 2021.

30 **“SECTION 7.** ORS 675.385 is amended to read:

1 “675.385. (1) In the manner prescribed in ORS chapter 183 for contested
2 cases, and at the direction of the [*Sex Offender*] **Sexual Offense** Treatment
3 Board, the Health Licensing Office may impose a form of discipline listed in
4 ORS 676.612 against a certified clinical [*sex offender*] **sexual offense** thera-
5 pist, certified associate [*sex offender*] **sexual offense** therapist, [*or*] certified
6 secondary [*associate sex offender*] **clinical sexual offense** therapist **or cer-**
7 **tified sexual offense therapist intern** for any of the grounds listed in ORS
8 676.612 and for any violation of the provisions of, or rules adopted under,
9 ORS 675.360 to 675.410.

10 “(2) The office may impose disciplinary sanctions against a certified
11 clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex*
12 *offender*] **sexual offense** therapist, [*or*] certified secondary [*associate sex*
13 *offender*] **clinical sexual offense** therapist **or certified sexual offense**
14 **therapist intern** for any of the following reasons:

15 “(a) The person was convicted of violating ORS 675.390, or of a felony or
16 misdemeanor that brings into question the person’s competence or integrity
17 as a certified clinical [*sex offender*] **sexual offense** therapist, certified asso-
18 ciate [*sex offender*] **sexual offense** therapist, [*or*] certified secondary [*asso-*
19 *ciate sex offender*] **clinical sexual offense** therapist **or certified sexual**
20 **offense therapist intern**.

21 “(b) The person’s mental health professional license, or equivalent license,
22 has been revoked, suspended or restricted by the issuing authority.

23 “(c) The person has violated ORS 675.370 (1), or any rules adopted by the
24 office pertaining to certification.

25 “(d) The person has failed to file or has filed a false, misleading or in-
26 complete professional disclosure statement with the office.

27 “(e) The person has practiced beyond the scope of the person’s certifica-
28 tion under ORS 675.380.

29 “**SECTION 8.** Section 13, chapter 421, Oregon Laws 2017, is amended to
30 read:

1 “**Sec. 13.** (1) Not later than December 31, 2018, the Department of Cor-
2 rections, the Oregon Health Authority and the Oregon Youth Authority shall
3 each submit a report to the interim committees of the Legislative Assembly
4 related to the judiciary in the manner provided in ORS 192.245. A report
5 submitted under this section must include:

6 “(a) A description of any complaints the submitting agency received
7 against persons employed by the agency who provide sexual abuse specific
8 treatment as defined in ORS 675.365 and who are not certified under ORS
9 675.375; and

10 “(b) Any steps that the submitting agency would need to take to ensure
11 that any of the agency’s employees to whom ORS 675.360 to 675.410 do not
12 apply because of [*section 11 (1)(b) of this 2017 Act*] **ORS 675.382 (2)** become
13 certified under ORS 675.375 if [*section 11 (1)(b) of this 2017 Act*] **ORS 675.382**
14 **(2)** were to be repealed.

15 “(2) A local, state or federal governmental agency, community mental
16 health program or drug and alcohol treatment program licensed or certified
17 by this state that employs a person to whom the requirements of ORS 675.360
18 to 675.410 do not apply because of [*section 11 (1)(b) of this 2017 Act*] **ORS**
19 **675.382 (2)** may submit the report described in subsection (1) of this section.

20 “**SECTION 9.** ORS 675.390 is amended to read:

21 “675.390. A certified [*sex offender*] **sexual offense** therapist, or any em-
22 ployee of a certified [*sex offender*] **sexual offense** therapist, may not disclose
23 any communication made by a client during the course of noninvestigatory
24 professional treatment or rehabilitation, except:

25 “(1) When the client or a person authorized to act on behalf of the client
26 gives consent to the disclosure;

27 “(2) When the client initiates legal action or makes a complaint against
28 a [*sex offender*] **sexual offense** therapist to the [*Sex Offender*] **Sexual Of-**
29 **fense** Treatment Board;

30 “(3) When the communication reveals the intent to commit a crime

1 harmful to the client or others;

2 “(4) When the communication reveals that a minor may have been a vic-
3 tim of a crime or physical, sexual or emotional abuse or neglect; or

4 “(5) To juvenile and adult parole and probation officers supervising the
5 client under a mandated sex offender treatment condition imposed by a court
6 or releasing authority.

7 **“SECTION 10.** ORS 675.395 is amended to read:

8 “675.395. (1) The [*Sex Offender*] **Sexual Offense** Treatment Board is es-
9 tablished within the Health Licensing Office. The board shall consist of
10 seven members appointed by the Governor from lists of recommended persons
11 submitted as provided in subsection (2) of this section. All members of the
12 board must be residents of this state.

13 “(2) Of the members appointed to the board:

14 “(a) Two shall be from a list submitted by the Oregon Association for the
15 Treatment of Sexual Abusers;

16 “(b) Two shall be from a list submitted by the Oregon Adolescent Sex
17 Offending Treatment Network or a successor organization;

18 “(c) One shall be from a list submitted by the Oregon Association of
19 Community Corrections Directors;

20 “(d) One shall be from a list submitted by the Oregon Juvenile Depart-
21 ment Directors Association; and

22 “(e) One shall be from a list submitted by a victims’ advocacy organiza-
23 tion.

24 “(3) The term of office of each member is four years, but a member serves
25 at the pleasure of the Governor. Vacancies shall be filled by the Governor
26 by appointment for the unexpired term. A member shall hold the member’s
27 office until the appointment and qualification of a successor. A member is
28 eligible for reappointment. If a person serves two consecutive full terms, a
29 period of at least four years must elapse before the person is again eligible
30 for appointment to serve on the board.

1 “(4) Members of the board are eligible for compensation and expenses as
2 provided in ORS 292.495.

3 “(5) The board shall select one of its members to serve as chair and an-
4 other to serve as vice chair, for those terms and with such duties and powers
5 necessary for the performance of the functions of those offices as the board
6 determines.

7 “(6) A majority of the board constitutes a quorum for the transaction of
8 business.

9 “(7) The board shall meet at times and places specified by the call of the
10 chair or of a majority of the members of the board. The board shall meet at
11 least once each calendar year.

12 “(8) A board member appointed under this section who is also a certified
13 clinical [*sex offender*] **sexual offense** therapist, certified associate [*sex*
14 *offender*] **sexual offense** therapist or certified secondary [*associate sex*
15 *offender*] **clinical sexual offense** therapist must satisfy all requirements for
16 certification provided in ORS 675.375 and must obtain certification within
17 12 months of the member’s appointment.

18 **“SECTION 11.** ORS 675.400 is amended to read:

19 “675.400. The [*Sex Offender*] **Sexual Offense** Treatment Board shall:

20 “(1) Determine the qualifications and fitness of applicants for certification
21 as clinical [*sex offender*] **sexual offense** therapists, [*or*] associate [*sex*
22 *offender*] **sexual offense** therapists, **secondary clinical sexual offense**
23 **therapists and sexual offense therapist interns** under ORS 675.360 to
24 675.380.

25 “(2) Establish standards of practice and professional responsibility for
26 persons certified by the Health Licensing Office.

27 “(3) Adopt standards for training, including but not limited to training
28 related to the treatment of distinct [*sex offender*] **sexual abuser** populations,
29 including adults, juveniles, persons with developmental disabilities and oth-
30 ers.

1 “(4) Advise the office on all matters related to administering ORS 675.360
2 to 675.410 and recommend rules, standards and guidelines necessary for the
3 administration of ORS 675.360 to 675.380.

4 “**SECTION 12.** ORS 675.410 is amended to read:

5 “675.410. (1) The Health Licensing Office shall:

6 “(a) Issue certifications to persons determined by the office to be quali-
7 fied.

8 “(b) Make all disbursements necessary to carry out the provisions of ORS
9 675.360 to 675.410.

10 “(c) Maintain a registry of all current certified [*sex offender*] **sexual of-**
11 **fense** therapists. The registry shall be made available to the public online.

12 “(d) Keep a record of its proceedings related to the issuance, refusal,
13 suspension and revocation of certifications issued under ORS 675.360 to
14 675.380.

15 “(e) In consultation with the [*Sex Offender*] **Sexual Offense** Treatment
16 Board, create a multidisciplinary advisory committee within the board. Per-
17 sons who are not board members may be appointed as nonvoting members to
18 serve on the multidisciplinary advisory committee with the approval of the
19 board.

20 “(2) The office may:

21 “(a) Deny, suspend, revoke or refuse to issue or renew any certification
22 issued under ORS 675.360 to 675.380.

23 “(b) Provide for waivers of examinations, grandfathering requirements
24 and temporary certifications as considered appropriate.

25 “(c) In consultation with the [*Sex Offender Treatment*] board, create any
26 committees within the board as deemed necessary. Persons who are not
27 board members may be appointed as nonvoting members to serve on the
28 committees with the approval of the board.”.

29 In line 44, delete “15” and insert “13”.

30 On page 10, line 32, delete “16” and insert “14”

1 On page 11, line 7, delete “17” and insert “15”.

2 On page 12, line 45, delete “18” and insert “16”.

3 On page 13, delete lines 6 through 18 and insert:

4 **“SECTION 17. (1) The amendments to ORS 163A.030, 675.365, 675.370,**
5 **675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410,**
6 **676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017, by**
7 **sections 1 to 15 of this 2019 Act and the repeal of ORS 675.360 by section**
8 **19 of this 2019 Act become operative on January 1, 2020.**

9 **“(2) The Health Licensing Office and the Sex Offender Treatment**
10 **Board may take any action before the operative date specified in sub-**
11 **section (1) of this section that is necessary to enable the office and the**
12 **Sexual Offense Treatment Board to exercise, on and after the opera-**
13 **tive date specified in subsection (1) of this section, all of the duties,**
14 **functions and powers conferred on the office and the Sexual Offense**
15 **Treatment Board by the amendments to ORS 163A.030, 675.365, 675.370,**
16 **675.375, 675.380, 675.382, 675.384, 675.385, 675.390, 675.395, 675.400, 675.410,**
17 **676.565 and 676.595 and section 13, chapter 421, Oregon Laws 2017, by**
18 **sections 1 to 15 of this 2019 Act and the repeal of ORS 675.360 by section**
19 **19 of this 2019 Act.**

20 **“SECTION 18. (1) The amendments to ORS 675.395 by section 10 of**
21 **this 2019 Act are intended to change the name of the ‘Sex Offender**
22 **Treatment Board’ to the ‘Sexual Offense Treatment Board.’**

23 **“(2) For the purpose of harmonizing and clarifying statutory law,**
24 **the Legislative Counsel may substitute for words designating the ‘Sex**
25 **Offender Treatment Board,’ wherever they occur in statutory law,**
26 **other words designating the ‘Sexual Offense Treatment Board.’**

27 **“SECTION 19. ORS 675.360 is repealed.**

28 **“SECTION 20. This 2019 Act takes effect on the 91st day after the**
29 **date on which the 2019 regular session of the Eightieth Legislative**
30 **Assembly adjourns sine die.”.**

