

**A-Engrossed**  
**House Bill 2949**

Ordered by the House April 15  
Including House Amendments dated April 15

Sponsored by Representatives BYNUM, ALONSO LEON, SCHOUTEN; Representatives DEXTER, LEIF, NERON, NOSSE, PHAM, REARDON, REYNOLDS, SOLLMAN, VALDERRAMA, WILLIAMS, Senator FREDERICK (at the request of Dr. Anjabeen Ashraf, Dr. Keleigh Blount, Dr. Nathaniel Brown, Dr. Tanya Johnson, OCBA, OCHA, OCFW, OCAPIA) (Pre-session filed.)

**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.

Requires [*Mental Health Regulatory Agency*] **Oregon Health Authority** to [*establish program to improve Black, indigenous and people of color*] **provide incentives to increase recruitment and retention of mental health workforce**, including pipeline development, scholarships for undergraduates and stipends for graduate students, loan repayments and retention activities. **Directs authority to expand funding, develop programs and provide incentives to improve access to culturally responsive behavioral health services by tribal members, people of color, lesbian, gay, bisexual and transgender youth, veterans, persons with disabilities, individuals with intellectual and developmental disabilities, individuals with limited English proficiency, individuals working in correctional facilities, residents of rural areas and other underserved communities.**

[*Directs agency to provide up to \$15,000 in student loan forgiveness to mental health professionals working in mental health professional shortage area.*]

Directs [*Oregon Health*] authority to provide funding to counties, community mental health programs and organizations to support individuals to transition from incarceration back into community.

Directs [*Mental Health Agency*] **authority** to provide grants to licensed practitioners to pay costs of providing supervision of mental health practitioners in private practice.

Requires employers of mental health workers to pay supervision costs of workers.

Requires [*Oregon Health*] authority to provide funding to [*Black, indigenous, people of color and immigrant communities*] **community mental health programs and private practitioners** to ensure access to mental health care **by communities disproportionately challenged by COVID-19.**

Appropriates moneys to [*agency and*] authority to carry out provisions of Act.

[*Prohibits insurers from refusing to credential mental health associates.*]

[*Creates Task Force on Expanding the Mental Health Workforce. Specifies membership and duties. Requires report to interim committees of Legislative Assembly with recommendations for loosening restrictions on formerly incarcerated individuals obtaining licenses to provide mental health care.*]

[*Limits to 1,200 number of hours of supervised clinical experience required to be licensed as professional counselor or marriage and family therapist.*]

Changes name of "licensed professional counselor intern" and "licensed marriage and family therapist intern" to "licensed professional counselor associate" and "licensed marriage and family therapist associate."

Declares emergency, effective on July 1, 2021.

**A BILL FOR AN ACT**

1  
2 Relating to mental health; creating new provisions; amending ORS 675.375, 675.705, 675.720, 675.745,  
3 675.785 and 675.825; and declaring an emergency.

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

5 **SECTION 1. The Behavioral Health Incentive Subaccount is created in the Health Care**  
6 **Provider Incentive Fund established in ORS 676.450. The Behavioral Health Incentive Subac-**  
7 **count consists of moneys appropriated to the subaccount by the Legislative Assembly and**  
8 **gifts, grants and donations from public or private sources. Moneys in the subaccount are**

**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 continuously appropriated to the Oregon Health Authority to carry out section 2 of this 2021  
2 Act.

3 **SECTION 2.** (1) The Oregon Health Authority shall provide incentives to increase the  
4 recruitment and retention of providers in the behavioral health care workforce with associ-  
5 ate, bachelor's, master's, or doctoral degrees or other credentials who are people of color,  
6 tribal members or residents of rural areas in this state and who can provide culturally re-  
7 sponsive behavioral health services to:

- 8 (a) Tribal members;
- 9 (b) People of color;
- 10 (c) Lesbian, gay, bisexual and transgender youth;
- 11 (d) Veterans;
- 12 (e) Persons with disabilities;
- 13 (f) Individuals with intellectual and developmental disabilities;
- 14 (g) Individuals with limited English proficiency;
- 15 (h) Individuals working in correctional facilities; and
- 16 (i) Other underserved communities.

17 (2) The authority shall increase access to services for rural and underserved communi-  
18 ties by:

19 (a) Expanding funding to provide incentives to culturally specific peers, traditional health  
20 workers, unlicensed, licensed or certified providers of behavioral health care and licensed  
21 prescribers.

22 (b) Developing programs and providing incentives to increase the number of individuals  
23 training for and entering the field of behavioral health and to improve the retention of be-  
24 havioral health care providers in this state through:

25 (A) Scholarships for undergraduate and graduate students going into the behavioral  
26 health field;

27 (B) Loan forgiveness and repayment incentives for qualified behavioral health care pro-  
28 viders;

29 (C) Housing assistance;

30 (D) Sign-on bonuses;

31 (E) Part-time and flex time opportunities;

32 (F) Retention bonuses;

33 (G) Professional development;

34 (H) Tax subsidies;

35 (I) Child care subsidies;

36 (J) Subsidized dual certification with a specific focus on rural and vulnerable populations  
37 and pay equity;

38 (K) Tuition assistance;

39 (L) Bonuses and stipends for supervisors of interns;

40 (M) Licensing examination preparation;

41 (N) Stipends for students enrolled in graduate behavioral health programs; or

42 (O) Other programs and incentives.

43 (3) The authority shall develop a program to award qualified mental health care providers  
44 student loan forgiveness or student loan repayment subsidies if the qualified mental health  
45 care provider commits to two consecutive years of full-time practice in:

1 (a) A publicly funded or public mental health facility;

2 (b) A nonprofit mental health facility that contracts with a county to provide mental  
3 health services;

4 (c) A mental health professional shortage area, as defined by the authority by rule; or

5 (d) Other programs or facilities that serve the communities described in subsection (1)  
6 of this section.

7 (4) The subsidy described in subsection (3) of this section applies only to a qualified  
8 mental health care provider's student loans incurred for the educational program that led  
9 to the qualified mental health care provider's licensure or certification as:

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

11 (b) A clinical social worker licensed under ORS 675.530;

12 (c) A master's social worker licensed under ORS 675.533;

13 (d) A clinical social work associate certified under ORS 675.537;

14 (e) A licensed marriage and family therapist, as defined in ORS 675.705; or

15 (f) A licensed professional counselor, as defined in ORS 675.705.

16 (5) The authority may adopt rules to carry out this section.

17 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
18 ated to the Oregon Health Authority, for deposit to the Behavioral Health Incentive Subac-  
19 count created in section 1 of this 2021 Act, \$110,000,000, to be expended to carry out section  
20 2 of this 2021 Act.

21 **SECTION 4.** The Oregon Health Authority shall provide funding to counties, community  
22 mental health programs and organizations to provide new or to increase existing transition  
23 services to individuals who are being reintegrated into the community following  
24 incarceration, to ensure that the reintegrating individuals have access to mental health care.

25 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-  
26 ated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the  
27 General Fund, the amount of \$20,000,000, which shall be expended to carry out section 4 of  
28 this 2021 Act.

29 **SECTION 6.** (1) The Oregon Health Authority shall establish a program to provide grants  
30 to licensed psychologists, licensed marriage and family therapists, licensed professional  
31 counselors and licensed clinical social workers to provide supervised clinical experience to  
32 associates or other individuals who have the necessary education but need supervised clinical  
33 experience to obtain a license to practice:

34 (a) Psychology;

35 (b) Marriage and family therapy, as defined in ORS 675.705;

36 (c) Professional counseling, as defined in ORS 675.705; or

37 (d) Clinical social work, as defined in ORS 675.510.

38 (2) The authority shall adopt rules to carry out the provisions of this section.

39 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-  
40 ated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the  
41 General Fund, the amount of \$20,000,000, to be expended to carry out section 6 of this 2021  
42 Act, distributed as follows:

43 (1) \$7,000,000 to county mental health programs;

44 (2) \$7,000,000 to private practitioners; and

45 (3) \$6,000,000 for the authority to expend as necessary to carry out the purposes of sec-

1 **tion 6 of this 2021 Act.**

2 **SECTION 8. A public or private entity that employs mental health care providers who**  
3 **supervise associates, interns or other individuals who must have supervised clinical experi-**  
4 **ence as a condition of licensure as a mental health care provider shall pay all costs incurred**  
5 **by the supervisor in providing supervision and the costs of the individual receiving super-**  
6 **vision if the supervisor is:**

- 7 (1) **A licensed psychologist, as defined in ORS 675.010;**
- 8 (2) **A clinical social worker licensed under ORS 675.530;**
- 9 (3) **A master's social worker licensed under ORS 675.533;**
- 10 (4) **A licensed marriage and family therapist, as defined in ORS 675.705; or**
- 11 (5) **A licensed professional counselor, as defined in ORS 675.705.**

12 **SECTION 9. (1) As part of the health care provider incentive program created in ORS**  
13 **676.454, the Oregon Health Authority shall provide grants to community mental health pro-**  
14 **grams and private practitioners to ensure access to mental health care for individuals in**  
15 **underserved communities who have faced disproportionate challenges from the impacts of**  
16 **COVID-19 including, but not limited to:**

- 17 (a) **Individuals who are Black, tribal members, indigenous and people of color;**
- 18 (b) **Undocumented immigrants; and**
- 19 (c) **Residents in rural areas of this state.**

20 (2) **The authority shall adopt by rule:**

- 21 (a) **The criteria for awarding grants under this section;**
- 22 (b) **Parameters for the use of grants by community mental health programs; and**
- 23 (c) **The authority's responsibility in monitoring, evaluating and providing oversight of the**  
24 **administration of the grants.**

25 **SECTION 10. In addition to and not in lieu of any other appropriation, there is appro-**  
26 **priated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the**  
27 **General Fund, the amount of \$50,000,000, which shall be expended to carry out section 9 of**  
28 **this 2021 Act.**

29 **SECTION 11. ORS 675.705 is amended to read:**

30 **675.705. As used in ORS 675.715 to 675.835:**

31 (1) "Assessment" means assessment under standards developed by a national body responsible  
32 for accrediting graduate training programs in clinical counseling for professional counselors or in  
33 marriage and family therapy for marriage and family therapists.

34 (2) "Clinical experience" means the professional practice of applying psychotherapeutic princi-  
35 ples and methods to provide assessment, diagnosis and treatment of mental disorders.

36 (3) "Licensed marriage and family therapist" means a person [*to whom a license has been*  
37 *issued*] **licensed** under ORS 675.715.

38 (4) "Licensed professional counselor" means a person [*issued a license*] **licensed** under ORS  
39 675.715.

40 (5) "Licensee" means a licensed professional counselor or a licensed marriage and family ther-  
41 apist.

42 (6)(a) "Marriage and family therapy" means the assessment, diagnosis or treatment of mental,  
43 emotional or behavioral disorders involving the application of family systems or other  
44 psychotherapeutic principles and methods in the delivery of services to individuals, couples, chil-  
45 dren, families, groups or organizations.

1 (b) "Marriage and family therapy" may include, but is not limited to:

2 (A) Application of counseling techniques for the purpose of resolving intrapersonal or interper-  
3 sonal conflict or changing perceptions, attitudes, behaviors or interactional processes in the area  
4 of human relationships and family life;

5 (B) Provision of services to address wellness or optimal functioning in human relationships or  
6 family life;

7 (C) Research activities, including reporting, designing or conducting research in marriage and  
8 family therapy with human subjects;

9 (D) Referral activities, including the referral to other specialists when indicated to provide  
10 ethical treatment;

11 (E) Consulting activities that apply marriage and family therapy procedures to provide assist-  
12 ance to organizations that support or enrich marriage and family life; and

13 (F) Record keeping activities, including documentation of counseling treatment, therapeutic  
14 services or clinical supervision.

15 (7)(a) "Professional counseling" means the assessment, diagnosis or treatment of mental, emo-  
16 tional or behavioral disorders involving the application of mental health counseling or other  
17 psychotherapeutic principles and methods in the delivery of services to individuals, couples, chil-  
18 dren, families, groups or organizations.

19 (b) "Professional counseling" may include, but is not limited to:

20 (A) Application of intervention methods based on cognitive, affective, behavioral, systemic or  
21 human development principles;

22 (B) Provision of counseling services to address personal growth or wellness;

23 (C) Definition of goals and the planning of action reflecting interests, abilities, aptitudes or  
24 needs as they relate to problems, disabilities or concerns in personal, social, educational, rehabili-  
25 tation or career adjustments;

26 (D) Research activities, including reporting, designing or conducting research in counseling with  
27 human subjects;

28 (E) Referral activities, including the referral to other specialists when indicated to provide eth-  
29 ical treatment;

30 (F) Consulting activities that apply counseling procedures and interpersonal skills to provide  
31 assistance in solving problems relating to an individual, group or organization; and

32 (G) Record keeping activities, including documentation of counseling treatment, therapeutic  
33 services or clinical supervision.

34 (8) "Registered [*intern*] **associate**" means an applicant for licensure who is registered to obtain  
35 post-degree supervised clinical experience toward licensure according to an approved plan pursuant  
36 to ORS 675.720.

37 **SECTION 12.** ORS 675.720 is amended to read:

38 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-  
39 quired by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of  
40 Licensed Professional Counselors and Therapists that the applicant has the required supervised  
41 clinical experience, the applicant must register [*an internship*] a plan to obtain acceptable post-  
42 degree supervised clinical experience to qualify for a license as a professional counselor or as a  
43 marriage and family therapist.

44 (2) To register as a professional counselor [*intern*] **associate** or as a marriage and family ther-  
45 apist [*intern*] **associate** under this section, the applicant shall submit in the form and manner de-

1 terminated by the board:

2 (a) A request for registration; and

3 (b) A plan to obtain or complete the supervised clinical experience required for licensure.

4 (3) The board shall register the applicant as an *[intern]* **associate** upon receipt and approval of  
5 the completed request and plan required in subsection (2) of this section.

6 (4)(a) A registered *[intern]* **associate** must renew the certificate of registration annually on or  
7 before the first day of the month in which the board approved the initial registration. To renew a  
8 certificate of registration, a registered *[intern]* **associate** shall:

9 (A) Submit a renewal application in the form and manner established by the board accompanied  
10 by a renewal fee pursuant to ORS 675.785; and

11 (B) Document fulfillment of all other requirements established by the board by rule.

12 (b) Failure to renew a registration within 30 days of the annual renewal date terminates the  
13 registration and the application for licensure.

14 (5) Registered *[interns]* **associates** are subject to all ethical standards adopted by the board.

15 **SECTION 13.** ORS 675.745 is amended to read:

16 675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny,  
17 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon  
18 proof that the applicant for licensure or the licensee:

19 (a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or ter-  
20 ritory or against the federal government that brings into question the competence of the licensee  
21 in the role of a counselor or a therapist;

22 (b) Is unable to perform the practice of professional counseling or marriage and family therapy  
23 by reason of physical illness;

24 (c) Has an impairment as defined in ORS 676.303;

25 (d) Has been grossly negligent in the practice of professional counseling or marriage and family  
26 therapy;

27 (e) Has violated any provision of ORS 675.715 to 675.835 or 675.850;

28 (f) Has violated any rule of the board pertaining to the licensure of professional counselors or  
29 licensed marriage and family therapists;

30 (g) Has failed to file a professional disclosure statement or has filed a false, incomplete or mis-  
31 leading professional disclosure statement;

32 (h) Has practiced outside the scope of activities, including administering, constructing or inter-  
33 preting tests or diagnosing or treating mental disorders, for which the licensee has individual  
34 training and qualification;

35 (i) Has been disciplined by a state mental health licensing board or program in this or any other  
36 state for violation of competency or conduct standards; or

37 (j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005  
38 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to  
39 a sex crime as defined in ORS 163A.005.

40 (2)(a) The board may reprimand or impose probation on a licensee or a registered *[intern]* **as-**  
41 **sociate** upon proof of any of the grounds for discipline provided in subsection (1) of this section.

42 (b) If the board elects to place a licensee or a registered *[intern]* **associate** on probation, the  
43 board may impose:

44 (A) Restrictions on the scope of practice of the licensee or *[intern]* **associate**;

45 (B) Requirements for specific training;

1 (C) Supervision of the practice of the licensee or *[intern]* **associate**; or

2 (D) Other conditions the board finds necessary for the protection of the public.

3 (3) The board may initiate injunctive proceedings in any circuit court against persons violating  
4 any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

5 (4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for  
6 each ground for discipline listed in subsection (1) of this section found by the board.

7 (5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for  
8 each violation of or failure to observe any limitation or condition imposed by the board on the  
9 licensee's or registered *[intern's]* **associate's** practice under subsection (2) of this section.

10 (6) Information that the board obtains as part of an investigation into licensee or applicant  
11 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving  
12 licensee or applicant conduct is confidential as provided under ORS 676.175.

13 (7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may  
14 take such disciplinary action as the board in its discretion finds proper, including but not limited  
15 to the assessment of the costs of the disciplinary process.

16 **SECTION 14.** ORS 675.785 is amended to read:

17 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following  
18 powers and duties:

19 (1) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules  
20 necessary for the administration of the laws the board is charged with administering.

21 (2) Subject to applicable provisions of the State Personnel Relations Law, the board may ap-  
22 point, prescribe the duties and fix the compensation of employees of the board necessary to carry  
23 out the duties of the board.

24 (3) The board may impose nonrefundable fees in an amount set by rule for the following:

25 (a) License application.

26 (b) First issuance of a license.

27 (c) Renewal of a license.

28 (d) Late filing of a license renewal.

29 (e) Renewal of registration as an *[intern]* **associate**.

30 (f) Examinations. Examination fees may not exceed the costs incurred in administering the par-  
31 ticular examination. Fees established under this subsection are subject to prior approval of the  
32 Oregon Department of Administrative Services and a report to the Emergency Board prior to  
33 adopting the fees and must be within the budget authorized by the Legislative Assembly as that  
34 budget may be modified by the Emergency Board.

35 (4) The board shall:

36 (a) Maintain a register of all current licensed professional counselors and marriage and family  
37 therapists.

38 (b) Annually publish a directory listing all current licensed professional counselors and marriage  
39 and family therapists. The directory must be available to the public, and the board may collect a  
40 publication fee for the directory.

41 (5) The board shall:

42 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted  
43 under authority of the board.

44 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon re-  
45 ceipt of a complaint under ORS 675.715 to 675.835 against a licensed or unlicensed person, the board

1 shall conduct an investigation as described under ORS 676.165.

2 (6) The board shall report to the Legislative Assembly concerning the activities of the board  
3 during the preceding biennium.

4 (7) The board shall form standards committees to establish, examine and pass on the qualifica-  
5 tions of applicants to practice professional counseling or marriage and family therapy in this state,  
6 including standards and requirements for continuing education and supervision, as appropriate. The  
7 standards committee for professional counselors shall be made up of the professional counselors on  
8 the board, the faculty member and the public member. The standards committee for marriage and  
9 family therapists shall be made up of the marriage and family members of the board, the faculty  
10 member and the public member.

11 (8) The board shall grant licenses to applicants who qualify to practice professional counseling  
12 or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the  
13 rules of the board.

14 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas  
15 to compel the attendance of witnesses and the production of documents or written information nec-  
16 essary to carry out ORS 675.715 to 675.835.

17 (10) The board may adopt a seal to be affixed to all licenses.

18 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes  
19 of professional counseling and marriage and family therapy associations as models for the code es-  
20 tablished by the board.

21 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,  
22 including, but not limited to, the adoption of rules to establish semester hour equivalents for quali-  
23 fication for licensing where quarter hours are required under ORS 675.715 to 675.835.

24 (13) The board shall require the applicant for a professional counselor license or a marriage and  
25 family therapy license to receive a passing score on an examination of competency in counseling  
26 or marriage and family therapy. The examination may be the examination given nationally to certify  
27 counselors, or in the case of marriage and family therapy, the examination approved by the Associ-  
28 ation of Marital and Family Therapy Regulatory Boards.

29 (14) For the purpose of requesting a state or nationwide criminal records check under ORS  
30 181A.195, the board may require the fingerprints of a person who is:

- 31 (a) Applying for a license that is issued by the board;
- 32 (b) Applying for renewal of a license that is issued by the board; or
- 33 (c) Under investigation by the board.

34 (15) The board shall prescribe, in consultation with the Oregon Board of Psychology, the duties  
35 of the Director of the Mental Health Regulatory Agency.

36 **SECTION 15.** ORS 675.825 is amended to read:

37 675.825. (1) A person may not:

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

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

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

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

45 (A) The person is a licensee, registered [*intern*] **associate** or graduate student pursuing a grad-



1 uate degree in counseling or marriage and family therapy; or

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

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

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

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

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

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

17 (c) Employed by a local, state or federal agency, a public university listed in ORS 352.002 or any  
18 agency licensed or certified by the state to provide mental health or health services, if the person's  
19 activities constituting professional counseling or marriage and family therapy are performed within  
20 the scope of the person's employment.

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

23 (4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person's profession  
24 or restricts a person from providing counseling services or services related to marriage and family  
25 if the person:

26 (a) Does not meet the requirements of ORS 675.715 (1)(b); or

27 (b) Does not practice:

28 (A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or

29 (B) Professional counseling as defined in ORS 675.705 (7)(a).

30 (5) Each violation of this section is a separate violation.

31 (6) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of this  
32 section.

33 **SECTION 16.** ORS 675.375 is amended to read:

34 675.375. (1) To obtain certification as a clinical sexual offense therapist, associate sexual offense  
35 therapist, secondary clinical sexual offense therapist or sexual offense therapist intern, an applicant  
36 must complete an application developed and prescribed by the Sexual Offense Treatment Board and  
37 file a professional disclosure statement with the Health Licensing Office. The documents must be  
38 accompanied by the applicable fees established under ORS 676.576.

39 (2) Subject to the provisions of ORS 676.612, the office may issue four types of certification to  
40 qualified applicants under this section:

41 (a) Clinical sexual offense therapist;

42 (b) Associate sexual offense therapist;

43 (c) Secondary clinical sexual offense therapist; and

44 (d) Sexual offense therapist intern.

45 (3) To qualify as a certified clinical sexual offense therapist, the applicant must:

- 1 (a) Be in compliance with applicable provisions and rules adopted by the office;
- 2 (b) Have at least a master's degree in the behavioral sciences;
- 3 (c) Have an active Oregon mental health professional license or equivalent license as determined
- 4 by the office;
- 5 (d) Within not more than six years prior to application, have had a minimum of 2,000 hours of
- 6 direct clinical contact with persons described in ORS 675.368, including:
  - 7 (A) 1,000 hours of direct treatment services; and
  - 8 (B) 500 hours of evaluations; and
  - 9 (e) Have a minimum of 60 hours of formal training applicable to sexual abuse specific treatment
  - 10 and evaluation, achieved within the six years prior to application.
- 11 (4) To qualify as a certified associate sexual offense therapist, the applicant must:
  - 12 (a) Be in compliance with applicable provisions and rules adopted by the office;
  - 13 (b) Have at least a bachelor's degree in the behavioral sciences;
  - 14 (c) Have had a minimum of 1,000 hours of direct clinical contact with persons described in ORS
  - 15 675.368;
  - 16 (d) Have a minimum of 30 hours of formal training applicable to sexual abuse specific treatment
  - 17 and evaluation, achieved within the three years prior to application; and
  - 18 (e) Be under the direct supervision of a certified clinical sexual offense therapist.
- 19 (5) To qualify as a certified secondary clinical sexual offense therapist, the applicant must:
  - 20 (a) Be in compliance with applicable provisions and rules adopted by the office;
  - 21 (b) Have at least a master's degree in the behavioral sciences;
  - 22 (c) Have an active Oregon mental health professional license or equivalent license as determined
  - 23 by the office or be a registered intern **or associate** for a mental health professional licensed in
  - 24 Oregon;
  - 25 (d) Have a minimum of 15 hours of formal training applicable to sexual abuse specific treatment
  - 26 and evaluation, achieved within the three years prior to application;
  - 27 (e) Be under the direct supervision of a certified clinical sexual offense therapist; and
  - 28 (f) Provide sexual abuse specific treatment services to not more than nine clients in a calendar
  - 29 month, unless the applicant is accruing hours to qualify for application as a certified associate
  - 30 sexual offense therapist.
- 31 (6) To qualify as a certified sexual offense therapist intern, the applicant must:
  - 32 (a) Be in compliance with applicable provisions and rules adopted by the office;
  - 33 (b) Have at least a bachelor's degree in the behavioral sciences; and
  - 34 (c) Be under the direct supervision of a certified clinical sexual offense therapist.
- 35 (7)(a) A certified associate sexual offense therapist and a certified sexual offense therapist intern
- 36 must obtain:
  - 37 (A) A minimum of two hours of direct supervision, at least one hour of which must be individual
  - 38 supervision, in a month if the certified associate sexual offense therapist or certified sexual offense
  - 39 therapist intern has 45 or fewer hours in the month of direct clinical contact with a person de-
  - 40 scribed in ORS 675.368.
  - 41 (B) A minimum of three hours of direct supervision, at least 90 minutes of which must be indi-
  - 42 vidual supervision, in a month if the certified associate sexual offense therapist or certified sexual
  - 43 offense therapist intern has more than 45 hours in the month of direct clinical contact with a person
  - 44 described in ORS 675.368.
- 45 (b) A certified secondary clinical sexual offense therapist must obtain at least two hours of di-

1 rect supervision for every 10 hours of direct clinical contact with a person described in ORS 675.368.

2 **SECTION 17. This 2021 Act being necessary for the immediate preservation of the public**  
3 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
4 **on July 1, 2021.**

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