

Enrolled House Bill 4071

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Behavioral Health for Representative Tawna Sanchez)

CHAPTER

AN ACT

Relating to mental health; amending ORS 675.655, 675.658, 675.705 and 675.825; and declaring an emergency.

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

SECTION 1. ORS 675.655 is amended to read:

675.655. (1) The Oregon Health Authority shall provide incentives to increase the recruitment and retention of providers in the behavioral health care workforce with associate, bachelor's, master's, or doctoral degrees or other credentials [*who are*] **that increase access to services that are peer- and community-driven and that provide culturally specific and culturally responsive services for** people of color, tribal [*members or residents of rural areas in this state and who can provide culturally responsive behavioral health services to:*] **communities and persons with lived behavioral health experiences.**

- [(a) *Tribal members;*]
- [(b) *People of color;*]
- [(c) *Lesbian, gay, bisexual and transgender youth;*]
- [(d) *Veterans;*]
- [(e) *Persons with disabilities;*]
- [(f) *Individuals with intellectual and developmental disabilities;*]
- [(g) *Individuals with limited English proficiency;*]
- [(h) *Individuals working in correctional facilities; and*]
- [(i) *Other underserved communities.*]

(2) The authority shall increase access to services for rural and underserved communities by:

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

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

- (A) Scholarships for undergraduate and graduate students going into the behavioral health field;
- (B) Loan forgiveness and repayment incentives for qualified behavioral health care providers;
- (C) Housing assistance;
- (D) Sign-on bonuses;
- (E) Part-time and flex time opportunities;
- (F) Retention bonuses;

- (G) Professional development;
- (H) Tax subsidies;
- (I) Child care subsidies;
- (J) Subsidized dual certification with a specific focus on rural and vulnerable populations and pay equity;
- (K) Tuition assistance;
- (L) Bonuses and stipends for supervisors of interns;
- (M) Licensing examination preparation;
- (N) Stipends for students enrolled in graduate behavioral health programs; or
- (O) Other programs and incentives.

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

- (a) A publicly funded or public mental health facility;
- (b) A nonprofit mental health facility that contracts with a county to provide mental health services;
- (c) A mental health professional shortage area, as defined by the authority by rule; or
- (d) Other programs or facilities that serve the communities described in subsection (1) of this section.

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

- (a) A licensed psychologist, as defined in ORS 675.010;
 - (b) A clinical social worker licensed under ORS 675.530;
 - (c) A master's social worker licensed under ORS 675.533;
 - (d) A clinical social work associate certified under ORS 675.537;
 - (e) A licensed marriage and family therapist, as defined in ORS 675.705;
 - (f) A licensed professional counselor, as defined in ORS 675.705; or
 - (g) Another type of behavioral health care provider as prescribed by the authority by rule.
- (5) The authority may adopt rules to carry out this section.

SECTION 2. ORS 675.658 is amended to read:

675.658. (1) The Oregon Health Authority shall establish a program to provide grants to licensed psychologists, [*licensed*] marriage and family therapists **licensed under ORS 675.715**, [*licensed*] professional counselors **licensed under ORS 675.715**, and [*licensed*] clinical social workers **licensed under ORS 675.530** to provide supervised clinical experience to associates or other individuals who have the necessary education but need supervised clinical experience to obtain a license to practice:

- (a) Psychology;
- (b) Marriage and family therapy, as defined in ORS 675.705;
- (c) Professional counseling, as defined in ORS 675.705;
- (d) Clinical social work, as defined in ORS 675.510; or
- (e) Another behavioral health care discipline as prescribed by the authority by rule.

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

SECTION 3. ORS 675.705 is amended to read:

675.705. As used in ORS 675.715 to 675.835:

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

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

(3) "Licensed marriage and family therapist" means a person licensed under ORS 675.715.

(4) "Licensed professional counselor" means a person licensed under ORS 675.715.

(5) "Licensee" means a licensed professional counselor or a licensed marriage and family therapist.

(6) "Marriage and family therapist associate" means an applicant for licensure as a marriage and family therapist who is registered to obtain post-degree supervised clinical experience toward licensure according to an approved plan pursuant to ORS 675.720.

[(6)(a)] **(7)(a)** "Marriage and family therapy" means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of family systems or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

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

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

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

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

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

(E) Consulting activities that apply marriage and family therapy procedures to provide assistance to organizations that support or enrich marriage and family life; and

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

[(7)(a)] **(8)(a)** "Professional counseling" means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of mental health counseling or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

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

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

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

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

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

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

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

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

(9) "Professional counselor associate" means an applicant for licensure as a professional counselor who is registered to obtain post-degree supervised clinical experience toward licensure according to an approved plan pursuant to ORS 675.720.

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

(a) A professional counselor associate; or

(b) A marriage and family therapist associate.

SECTION 4. ORS 675.825 is amended to read:

675.825. (1) A person may not:

(a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent representation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Does not practice:

(A) Marriage and family therapy as defined in ORS 675.705 [(6)(a)] (7)(a); or

(B) Professional counseling as defined in ORS 675.705 [(7)(a)] (8)(a).

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

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

SECTION 5. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House February 17, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 24, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2022

Approved:

.....M,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2022

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Shemia Fagan, Secretary of State