

# 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)

## 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**.

Modifies description of persons eligible for targeted financial incentives in field of behavioral health.

Defines "marriage and family therapist associate" and "professional counselor associate."

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to mental health; amending ORS 675.655, 675.658, 675.705 and 675.825; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 675.655 is amended to read:

6 675.655. (1) The Oregon Health Authority shall provide incentives to increase the recruitment  
7 and retention of providers in the behavioral health care workforce with associate, bachelor's,  
8 master's, or doctoral degrees or other credentials [*who are*] **that increase access to services that**  
9 **are peer- and community-driven and that provide culturally specific and culturally responsive**  
10 **services for** people of color, tribal [*members or residents of rural areas in this state and who can*  
11 *provide culturally responsive behavioral health services to:*] **communities and persons with lived**  
12 **behavioral health experiences.**

13 [*(a) Tribal members;*]

14 [*(b) People of color;*]

15 [*(c) Lesbian, gay, bisexual and transgender youth;*]

16 [*(d) Veterans;*]

17 [*(e) Persons with disabilities;*]

18 [*(f) Individuals with intellectual and developmental disabilities;*]

19 [*(g) Individuals with limited English proficiency;*]

20 [*(h) Individuals working in correctional facilities; and*]

21 [*(i) Other underserved communities.*]

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

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

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

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

30 (B) Loan forgiveness and repayment incentives for qualified behavioral health care providers;

**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 (C) Housing assistance;
- 2 (D) Sign-on bonuses;
- 3 (E) Part-time and flex time opportunities;
- 4 (F) Retention bonuses;
- 5 (G) Professional development;
- 6 (H) Tax subsidies;
- 7 (I) Child care subsidies;
- 8 (J) Subsidized dual certification with a specific focus on rural and vulnerable populations and
- 9 pay equity;
- 10 (K) Tuition assistance;
- 11 (L) Bonuses and stipends for supervisors of interns;
- 12 (M) Licensing examination preparation;
- 13 (N) Stipends for students enrolled in graduate behavioral health programs; or
- 14 (O) Other programs and incentives.

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

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

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

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

35 **SECTION 2.** ORS 675.658 is amended to read:

36 675.658. (1) The Oregon Health Authority shall establish a program to provide grants to licensed  
 37 psychologists, [*licensed*] marriage and family therapists **licensed under ORS 675.715**, [*licensed*] pro-  
 38 fessional counselors **licensed under ORS 675.715**, and [*licensed*] clinical social workers **licensed**  
 39 **under ORS 675.530** to provide supervised clinical experience to associates or other individuals who  
 40 have the necessary education but need supervised clinical experience to obtain a license to practice:

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

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

2 **SECTION 3.** ORS 675.705 is amended to read:

3 675.705. As used in ORS 675.715 to 675.835:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (D) Research activities, including reporting, designing or conducting research in counseling with

1 human subjects;

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

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

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

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

11 [(8)] **(10) “Registered associate” or “associate” means:** *[an applicant for licensure who is reg-*  
12 *istered to obtain post-degree supervised clinical experience toward licensure according to an approved*  
13 *plan pursuant to ORS 675.720.]*

14 **(a) A professional counselor associate; or**

15 **(b) A marriage and family therapist associate.**

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

17 675.825. (1) A person may not:

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

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

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

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

25 (A) The person is a licensee, registered associate or graduate student pursuing a graduate de-  
26 gree in counseling or marriage and family therapy; or

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

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

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

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

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

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

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

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

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

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

7 (b) Does not practice:

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

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

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

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

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