

# House Bill 2540

Sponsored by Representative NOSSE (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 **as introduced**.

Establishes Board of Behavioral Health Specialists. Allows board to issue license to practice child behavioral health to qualified applicant. Defines "child behavioral health."  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to behavioral health specialists; creating new provisions; amending ORS 675.110, 675.166, 675.178, 675.785 and 676.160; and prescribing an effective date.

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

## CHILD BEHAVIORAL HEALTH SPECIALISTS

### **SECTION 1. As used in sections 1 to 8 of this 2023 Act:**

(1) "Child behavioral health" means:

(a) Providing services to children and adolescents to promote their behavioral health and wellness, with a focus on the early detection and prevention of mental health disorders in children and adolescents;

(b) Offering programming to build behavioral, emotional and social skills by promoting child and adolescent behavioral health, including fostering good relationships with others, digital media safety and security and healthy eating, sleep and exercise routines;

(c) Addressing children's and adolescents' chronic stress and trauma exposure; and

(d) Providing to children and adolescents group and individual evidence-based interventions demonstrated to prevent, delay or reduce the severity of mental health disorders for children and adolescents who are identified as having early signs of behavioral or emotional risk.

(2) "Child behavioral health specialist" means a person licensed under section 2 of this 2023 Act.

**SECTION 2. (1) The Board of Behavioral Health Specialists may issue a license to practice child behavioral health to an applicant who:**

(a) Is at least 18 years of age;

(b) Has at least a bachelor's degree, with a focus in behavioral health;

(c) Has completed at least 700 hours of supervised training;

(d) Pays a licensure fee; and

(e) Meets any other requirements established by the board by rule, including rules related to the completion of coursework on particular topics.

(2) A license issued under subsection (1) of this section may be renewed.

**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 (3) The board may adopt by rule procedures to issue temporary licenses and licenses by  
2 reciprocity.

3 **SECTION 3.** (1) A person may not practice child behavioral health or assume any title,  
4 words or abbreviations, including but not limited to the title or designation “child behavioral  
5 health specialist,” that indicate the person is authorized to practice child behavioral health  
6 unless the person is licensed under section 2 of this 2023 Act.

7 (2) Subsection (1) of this section does not prohibit:

8 (a) A person authorized by a health regulatory board to provide a health care service  
9 other than child behavioral health from practicing child behavioral health as part of the  
10 person’s provision of the health care service; or

11 (b) A student from practicing child behavioral health while the student is participating  
12 in an educational program for child behavioral health and under the direct supervision of a  
13 child behavioral health specialist who is assigned to oversee the student, on duty and avail-  
14 able to assist the student.

15 **SECTION 4.** (1) The Board of Behavioral Health Specialists may deny, suspend, revoke  
16 or refuse to renew a license, or may impose conditions on a license, if a child behavioral  
17 health specialist or applicant for a license under section 2 of this 2023 Act has:

18 (a) Committed unprofessional conduct, as defined by the board by rule;

19 (b) Obtained or attempted to obtain a license by means of fraud, misrepresentation or  
20 concealment of material facts;

21 (c) Violated any provision of sections 1 to 8 of this 2023 Act or rule adopted pursuant to  
22 sections 1 to 8 of this 2023 Act; or

23 (d) Committed gross negligence or incompetence in the performance of professional du-  
24 ties.

25 (2) The board may suspend or revoke a license issued under section 2 of this 2023 Act if  
26 the holder has an impairment as defined in ORS 676.303.

27 (3) When the board proposes to refuse to issue or renew a license or proposes to suspend  
28 or revoke a license, opportunity for hearing shall be provided pursuant to ORS chapter 183.

29 (4) Judicial review of orders under subsection (3) of this section shall be conducted in  
30 accordance with ORS chapter 183.

31 (5) Information that the board obtains as part of an investigation into licensee or appli-  
32 cant conduct or as part of a contested case proceeding, consent order or stipulated agree-  
33 ment involving licensee or applicant conduct is confidential as provided under ORS 676.175.

34  
35 **BOARD OF BEHAVIORAL HEALTH SPECIALISTS**

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37 **SECTION 5.** (1) The Board of Behavioral Health Specialists is established.

38 (2) The board consists of nine members appointed by the Governor and subject to con-  
39 firmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of  
40 the board must be residents of this state. Of the members of the board:

41 (a) Three must be psychologists licensed under ORS 675.010 to 675.150;

42 (b) One must be a licensed professional counselor licensed under ORS 675.715;

43 (c) One must be a licensed marriage and family therapist licensed under ORS 675.715;

44 (d) One must be a regulated social worker, as defined in ORS 675.510;

45 (e) One must be a faculty member at an educational program for child behavioral health;

1 and

2 (f) Two must be members of the public.

3 (3) The term of office of each member of the board is three years, but a member serves  
4 at the pleasure of the Governor. Before the expiration of the term of a member, the Gover-  
5 nor shall appoint a successor whose term begins on January 1 next following. A member is  
6 eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an  
7 appointment to become immediately effective for the unexpired term.

8 (4) A member of the board is entitled to compensation and expenses as provided in ORS  
9 292.495.

10 (5) The board shall select one of its members as chairperson and another as vice chair-  
11 person, for terms and with duties and powers necessary for the performance of the functions  
12 of the offices as the board determines.

13 (6) A majority of the members of the board constitutes a quorum for the transaction of  
14 business.

15 (7) The board shall meet at least once every three months at a time and place determined  
16 by the board. The board also may meet at other times and places specified by the call of the  
17 chairperson or of a majority of the members of the board.

18 **SECTION 6.** The Board of Behavioral Health Specialists has the following duties and  
19 powers:

20 (1) To adopt rules:

21 (a) Establishing standards for the practice of child behavioral health;

22 (b) Relating to the professional methods and procedures used by persons licensed by the  
23 board;

24 (c) Governing the issuance, renewal, suspension and revocation of licenses;

25 (d) Establishing fees for issuance and renewal of licensure; and

26 (e) Otherwise carrying out the provisions of sections 1 to 8 of this 2023 Act.

27 (2) To make recommendations to the Behavioral Health Committee established under  
28 ORS 413.017 regarding child behavioral health and child behavioral health specialists.

29 (3) To impose discipline pursuant to section 4 of this 2023 Act.

30 (4) To authorize necessary disbursements to carry out the provisions of sections 1 to 8  
31 of this 2023 Act.

32 (5) To establish pilot programs, including but not limited to pilot programs focused on  
33 behavioral health providers who hold associate degrees and bachelor's degrees.

34 (6) To prescribe, in consultation with the Oregon Board of Psychology and the Oregon  
35 Board of Licensed Professional Counselors and Therapists, the duties of the Director of the  
36 Mental Health Regulatory Agency.

37 **SECTION 7.** The Board of Behavioral Health Specialists Account is established in the  
38 State Treasury, separate and distinct from the General Fund. Interest earned by the account  
39 shall be credited to the account. All moneys received by the Board of Behavioral Health  
40 Specialists under sections 1 to 8 of this 2023 Act shall be deposited into the account and are  
41 continuously appropriated to the board for the purposes of carrying out sections 1 to 8 of this  
42 2023 Act.

43 **SECTION 8.** Violation of section 3 of this 2023 Act, or of any rule adopted under sections  
44 1 to 8 of this 2023 Act, is a Class C misdemeanor.

45

**AMENDMENTS**

**SECTION 9.** ORS 675.110 is amended to read:

675.110. In addition to the powers otherwise granted under ORS 675.010 to 675.150, the Oregon Board of Psychology has all powers necessary or proper to:

(1) Determine qualifications of applicants to practice psychology in this state, prepare, conduct and grade examinations and license qualified applicants who comply with the provisions of ORS 675.010 to 675.150 and the rules of the board.

(2) Grant or deny renewal of licenses and renew licenses that have lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

(3) Suspend or revoke licenses, subject to ORS 675.010 to 675.150.

(4) Issue letters of reprimand and impose probationary periods with the authority to restrict the scope of practice of a licensed psychologist or to require practice under supervision.

(5) Impose civil penalties as provided in ORS 675.070.

(6) Restore licenses that have been suspended or revoked or voided by nonpayment of the renewal fee.

(7) Collect fees for application, examination and licensing of applicants, for renewal of licenses and for issuance of limited permits and use the fees to defray the expenses of the board as provided in ORS 675.140.

(8) Collect a delinquent renewal fee for licenses renewed after the deadline for renewal but before the grace period for renewal has expired.

(9) Investigate alleged violations of ORS 675.010 to 675.150.

(10) Issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings and require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

(11) Enforce ORS 675.010 to 675.150 and exercise general supervision over the practice of psychology in this state.

(12) Adopt a common seal.

(13) Formulate a code of professional conduct for the practice of psychology giving particular consideration to the Ethical Standards of Psychologists promulgated by the American Psychological Association.

(14) Establish standards of service and training and educational qualifications for rendering ethical psychological services in this state, including the formulation of standards for the issuance of licenses for areas of special competence.

(15) Formulate and enforce continuing education requirements for duly licensed psychologists to ensure the highest quality of professional services to the public.

(16) Deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the renewal fee, unless the applicant completes, or provides documentation of completion within the previous 36 months of:

(a) A one-hour pain management education program approved by the board and developed based on recommendations of the Pain Management Commission; or

(b) An equivalent pain management education program, as determined by the board.

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

(a) Applying for a license that is issued by the board;

1 (b) Applying for renewal of a license that is issued by the board; or

2 (c) Under investigation by the board.

3 (18) Prescribe, in consultation with the Oregon Board of Licensed Professional Counselors and  
4 Therapists **and the Board of Behavioral Health Specialists**, the duties of the Director of the  
5 Mental Health Regulatory Agency.

6 (19) Subject to the applicable provisions of ORS chapter 183, adopt reasonable rules to carry  
7 out the provisions of ORS 675.010 to 675.150.

8 **SECTION 10.** ORS 675.166 is amended to read:

9 675.166. The Mental Health Regulatory Agency shall provide administrative and regulatory  
10 oversight and centralized service for:

11 (1) The Oregon Board of Licensed Professional Counselors and Therapists, as provided in ORS  
12 675.715 to 675.835; [and]

13 (2) The Oregon Board of Psychology, as provided in ORS 675.010 to 675.150; **and**

14 (3) **The Board of Behavioral Health Specialists, as provided in sections 1 to 8 of this 2023**  
15 **Act.**

16 **SECTION 11.** ORS 675.178 is amended to read:

17 675.178. (1) The Mental Health Regulatory Agency is under the supervision and control of the  
18 Director of the Mental Health Regulatory Agency, who is responsible for the performance of the  
19 duties, functions and powers and for the organization of the agency.

20 (2) The regulated boards shall jointly appoint the director, who shall serve at the direction of  
21 the boards. If the boards cannot agree on a director, the Governor shall appoint a director from  
22 individuals suggested by each board, and the Governor's decision is final.

23 (3) The director is authorized to carry out the provisions of:

24 (a) ORS 675.010 to 675.150 as prescribed by the Oregon Board of Psychology; [and]

25 (b) ORS 675.715 to 675.835 as prescribed by the Oregon Board of Licensed Professional Counse-  
26 lers and Therapists; **and**

27 (c) **Sections 1 to 8 of this 2023 Act as prescribed by the Board of Behavioral Health Spe-**  
28 **cialists.**

29 (4) The director may appoint officers and hire employees as necessary to assist the director in  
30 fulfilling the duties, functions and powers conferred on the director by this section.

31 (5) The director may prescribe the duties and fix the compensation of officers appointed by the  
32 director and employees hired by the director.

33 (6) The director has all the powers necessary for the director to fulfill the director's duties as  
34 prescribed by the regulated boards under subsection (3) of this section.

35 **SECTION 12.** ORS 675.785 is amended to read:

36 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following  
37 powers and duties:

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

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

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

44 (a) License application.

45 (b) First issuance of a license.

- 1 (c) Renewal of a license.
- 2 (d) Late filing of a license renewal.
- 3 (e) Renewal of registration as an associate.
- 4 (f) Examinations. Examination fees may not exceed the costs incurred in administering the par-  
5 ticular examination. Fees established under this subsection are subject to prior approval of the  
6 Oregon Department of Administrative Services and a report to the Emergency Board prior to  
7 adopting the fees and must be within the budget authorized by the Legislative Assembly as that  
8 budget may be modified by the Emergency Board.
- 9 (4) The board shall:
- 10 (a) Maintain a register of all current licensed professional counselors and marriage and family  
11 therapists.
- 12 (b) Annually publish a directory listing all current licensed professional counselors and marriage  
13 and family therapists. The directory must be available to the public, and the board may collect a  
14 publication fee for the directory.
- 15 (5) The board shall:
- 16 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted  
17 under authority of the board.
- 18 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon re-  
19 ceipt of a complaint under ORS 675.715 to 675.835 against a licensed or unlicensed person, the board  
20 shall conduct an investigation as described under ORS 676.165.
- 21 (6) The board shall report to the Legislative Assembly concerning the activities of the board  
22 during the preceding biennium.
- 23 (7) The board shall form standards committees to establish, examine and pass on the qualifica-  
24 tions of applicants to practice professional counseling or marriage and family therapy in this state,  
25 including standards and requirements for continuing education and supervision, as appropriate. The  
26 standards committee for professional counselors shall be made up of the professional counselors on  
27 the board, the faculty member and the public member. The standards committee for marriage and  
28 family therapists shall be made up of the marriage and family members of the board, the faculty  
29 member and the public member.
- 30 (8) The board shall grant licenses to applicants who qualify to practice professional counseling  
31 or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the  
32 rules of the board.
- 33 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas  
34 to compel the attendance of witnesses and the production of documents or written information nec-  
35 essary to carry out ORS 675.715 to 675.835.
- 36 (10) The board may adopt a seal to be affixed to all licenses.
- 37 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes  
38 of professional counseling and marriage and family therapy associations as models for the code es-  
39 tablished by the board.
- 40 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,  
41 including, but not limited to, the adoption of rules to establish semester hour equivalents for quali-  
42 fication for licensing where quarter hours are required under ORS 675.715 to 675.835.
- 43 (13) The board shall require the applicant for a professional counselor license or a marriage and  
44 family therapy license to receive a passing score on an examination of competency in counseling  
45 or marriage and family therapy. The examination may be the examination given nationally to certify

1 counselors, or in the case of marriage and family therapy, the examination approved by the Associ-  
2 ation of Marital and Family Therapy Regulatory Boards.

3 (14) For the purpose of requesting a state or nationwide criminal records check under ORS  
4 181A.195, the board may require the fingerprints of a person who is:

- 5 (a) Applying for a license that is issued by the board;
- 6 (b) Applying for renewal of a license that is issued by the board; or
- 7 (c) Under investigation by the board.

8 (15) The board shall prescribe, in consultation with the Oregon Board of Psychology **and the**  
9 **Board of Behavioral Health Specialists**, the duties of the Director of the Mental Health Regula-  
10 tory Agency.

11 **SECTION 13.** ORS 676.160 is amended to read:

12 676.160. As used in ORS 676.165 to 676.180, "health professional regulatory board" means the:

- 13 (1) State Board of Examiners for Speech-Language Pathology and Audiology;
- 14 (2) State Board of Chiropractic Examiners;
- 15 (3) State Board of Licensed Social Workers;
- 16 (4) Oregon Board of Licensed Professional Counselors and Therapists;
- 17 (5) Oregon Board of Dentistry;
- 18 (6) State Board of Massage Therapists;
- 19 (7) State Mortuary and Cemetery Board;
- 20 (8) Oregon Board of Naturopathic Medicine;
- 21 (9) Oregon State Board of Nursing;
- 22 (10) Oregon Board of Optometry;
- 23 (11) State Board of Pharmacy;
- 24 (12) Oregon Medical Board;
- 25 (13) Occupational Therapy Licensing Board;
- 26 (14) Oregon Board of Physical Therapy;
- 27 (15) Oregon Board of Psychology;
- 28 (16) Board of Medical Imaging;
- 29 (17) Oregon State Veterinary Medical Examining Board; *[and]*

30 **(18) Board of Behavioral Health Specialists; and**

31 **[(18)] (19) Oregon Health Authority**, to the extent that the authority licenses emergency medical  
32 services providers.

33  
34 **MISCELLANEOUS**  
35

36 **SECTION 14. Notwithstanding the term of office specified by section 5 of this 2023 Act,**  
37 **of the members first appointed to the Board of Behavioral Health Specialists:**

- 38 (1) **Two shall serve for terms ending December 31, 2025.**
- 39 (2) **Two shall serve for terms ending December 31, 2026.**
- 40 (3) **Two shall serve for terms ending December 31, 2027.**
- 41 (4) **Three shall serve for terms ending December 31, 2028.**

42 **SECTION 15. (1) Sections 1 to 8 of this 2023 Act and the amendments to ORS 675.110,**  
43 **675.166, 675.178, 675.785 and 676.160 by sections 9 to 13 of this 2023 Act become operative on**  
44 **January 1, 2024.**

45 **(2) The Governor, the Mental Health Regulatory Agency, the Oregon Board of Licensed**

1 Professional Counselors and Therapists and the Oregon Board of Psychology may take any  
2 action before the operative date specified in subsection (1) of this section that is necessary  
3 to enable the Governor, the agency and the boards to exercise, on and after the operative  
4 date specified in subsection (1) of this section, all of the duties, functions and powers con-  
5 ferred on the Governor, the agency and the boards by sections 1 to 8 of this 2023 Act and the  
6 amendments to ORS 675.110, 675.166, 675.178, 675.785 and 676.160 by sections 9 to 13 of this  
7 2023 Act.

8 SECTION 16. The unit captions used in this 2023 Act are provided only for the conven-  
9 ience of the reader and do not become part of the statutory law of this state or express any  
10 legislative intent in the enactment of this 2023 Act.

11 SECTION 17. This 2023 Act takes effect on the 91st day after the date on which the 2023  
12 regular session of the Eighty-second Legislative Assembly adjourns sine die.  
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