# Chapter 675

**2009 EDITION**

# Psychologists; Occupational Therapists; Certified Sex Offender Therapists; Regulated Social Workers; Licensed Professional Counselors and Marriage and Family Therapists


**PSYCHOLOGISTS**

**(Generally)**

675.010 Definitions for ORS 675.010 to 675.150
675.020 Practice or representation as psychologist prohibited without license; use of business name or designation
675.025 Application of ORS 58.325 to 58.365

**(Licensing)**

675.030 Licensing of psychologists after examination; requirements; fee; resident designation; rules
675.040 Examinations for licensing
675.045 Examinations administered by board; rules
675.050 Licensing without national examination; fee; rules
675.063 Limited permit to practice as psychologist; duration
675.065 Psychologist associate licensing procedure
675.070 Authorized sanctions; grounds for imposing sanctions; civil penalty
675.075 Confidentiality of information obtained under ORS 675.070 or 675.085
675.085 Investigation; disciplinary procedure
675.087 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license
675.090 Application of ORS 675.010 to 675.150

**(State Board)**

675.100 State Board of Psychologist Examiners
675.110 Powers of board; rules; fees
675.115 How fees determined
675.130 Officers; quorum; meetings; records; executive director
675.140 State Board of Psychologist Examiners Account; appropriation

**(Miscellaneous)**

675.145 Duty to report prohibited conduct
Note Work Group on Prescriptive Authority for Licensed Psychologists--2009 c.558 §§1,2

**(Enforcement)**

675.150 Enforcement procedures

**OCCUPATIONAL THERAPISTS**

**(Generally)**

675.210 Definitions for ORS 675.210 to 675.340
675.220 Representation as occupational therapist or therapy assistant prohibited without license; exception
675.222 Employing unlicensed person prohibited

**(Licensing)**

675.230 Application for licensing
675.240 Qualifications for licensing as occupational therapist; rules
675.250 Qualifications for licensing as occupational therapy assistant; rules
675.270 Licensing without examination; fee
675.280 License period; fee; issuance of certificate; certificate as evidence; posting
675.290 License renewal procedure; delinquent fee
675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license; confidentiality of information

**(State Board)**

675.310 Occupational Therapy Licensing Board
675.320 Powers of board; fees; rules
675.330 Occupational Therapy Licensing Board Account

**(Miscellaneous)**

675.332 Duty to report prohibited conduct

**(Enforcement)**

675.335 Investigation of alleged violations; subpoenas
675.336 Civil penalties
675.337 Schedule of civil penalties; rules
675.340 Enforcement procedure

**CERTIFIED SEX OFFENDER THERAPISTS**

**(Generally)**

675.360 Legislative findings
675.365 Definitions for ORS 675.360 to 675.410
675.370 Representation as certified sex offender therapist prohibited without certification; fraudulent certification

**(Certification)**

675.375 Certification of clinical sex offender therapist or associate sex offender therapist; requirements; renewal, reactivation or reinstatement of certification; rules
675.380 Reciprocal certification
675.385 Disciplinary authority of Oregon Health Licensing Agency; grounds for discipline; authorized sanctions
675.390 Confidentiality of communication by clients; exceptions

**(State Board)**

675.395 Sex Offender Treatment Board

675.400 Duties of board
675.405 Fees; rules
675.410 Duties of Oregon Health Licensing Agency under ORS 675.360 to 675.410

REGULATED SOCIAL WORKERS

(Generally)

675.510 Definitions for ORS 675.510 to 675.600
675.520 Use of title prohibited without license; exceptions
675.523 License or certification required to practice clinical social work; exceptions

(Licensing)

675.530 License; qualifications; rules
675.532 Baccalaureate social worker registration
675.533 Master's social worker license
675.535 Examination; rules
675.537 Certification as clinical social work associate; requirements
675.540 Grounds for disciplinary action; authorized sanctions and penalties; investigation
675.545 Effect of revocation of authorization
675.550 Reissuance of authorization to practice
675.560 When authorization to practice effective; rules; renewal
675.565 Continuing education; rules
675.571 Fees; authorization; uses
675.580 Confidentiality of communication by client; exceptions
675.583 Duty to report evidence of impairment or unprofessional or prohibited conduct; confidentiality of information; limitation of liability
675.585 Investigation of alleged violations; confidentiality of information; limitation of liability

(State Board)

675.590 State Board of Licensed Social Workers
675.595 General powers of board; fees
675.597 State Board of Licensed Social Workers Account
675.600 Duties of board; rules

LICENSED PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

(Generally)

675.705 Definitions for ORS 675.715 to 675.835

(Licensing)

675.715 Application; fee; qualifications; examinations; licensing
675.720 Internship; registration requirements; renewal; ethical standards
675.725 Annual license; rules; fees; effect of expiration of license
675.735 Reciprocal license
675.745 Grounds for denial, suspension or revocation of license or refusal to issue license; probation; confidentiality of information; penalties

(Disclosure and Confidentiality)

675.755 Professional disclosure statement required; content; exemptions; rules
675.765 Confidentiality of information; exceptions

(State Board)

675.775 Oregon Board of Licensed Professional Counselors and Therapists
675.785 Powers and duties of board; rules; fees
675.795 Board meeting; quorum; per diem; officers
675.805 Use of moneys received by board

(Miscellaneous)

675.810 Authorized practice names
675.815 Duty to report prohibited conduct

(Enforcement)

675.825 Prohibited practices; exceptions; civil penalty
675.835 Injunctive proceedings

PENALTIES

675.990 Penalties
675.992 Civil penalty for prohibited practices by persons without authorization to practice regulated social work
675.994 Civil penalty for practice of clinical social work without license or certification

## PSYCHOLOGISTS

### (Generally)

**675.010 Definitions for ORS 675.010 to 675.150.** As used in ORS 675.010 to 675.150, unless the context requires otherwise:

(1) "Approved doctoral program in psychology" means a doctoral program in psychology accredited by the American Psychological Association or a doctoral program in psychology accredited individually or as part of an institutional accreditation by another private or governmental accrediting agency, when the association's or agency's standards and procedures have been approved by the State Board of Psychologist Examiners by rule.

(2) "Board" means the State Board of Psychologist Examiners.

(3) "Licensed psychologist" means a person licensed to practice psychology under the provisions of ORS 675.010 to 675.150.

(4) "Practice of psychology" means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes delegating the administration and scoring of tests to technicians qualified by and under the direct supervision of a licensed psychologist.

(5) "State" means any state or territory of the United States and the District of Columbia. [1963 c.396 §1; 1973 c.777 §1; 1981 c.892 §96; 1991 c.490 §1; 1993 c.585 §1; 1995 c.810 §1; 1999 c.443 §1; 2003 c.630 §3]

**675.020 Practice or representation as psychologist prohibited without license; use of business name or designation.** (1) To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of psychology, no person shall, unless exempted from the provisions of ORS 675.010 to 675.150 by ORS 675.090:

(a) Practice psychology in this state without first being licensed under ORS 675.010 to 675.150; or

(b) Represent oneself to be a psychologist without first being licensed under ORS 675.010 to 675.150.

(2) As used in subsection (1)(b) of this section, "represent oneself to be a psychologist" means to use any title or description of services incorporating the words "psychology," "psychological," "psychotherapy" or "psychologist," or to offer or render to individuals or to groups of individuals services included in the practice of psychology.

(3) A psychologist licensed under ORS 675.010 to 675.150 shall practice under the name of the psychologist only, but nothing in ORS 675.010 to 675.150 or rules adopted thereunder shall be deemed to prevent a licensed psychologist from using an assumed business name or other designation to describe a place, institution, organization or agency where or in connection with which the psychologist conducts practice. [1963 c.396 §2; 1971 c.362 §1; 1973 c.777 §2; 1987 c.158 §136; 1993 c.585 §2; 1995 c.810 §2]

**675.025 Application of ORS 58.325 to 58.365.** ORS 58.325 to 58.365 shall not apply to professional corporations rendering psychological services. [1985 c.90 §11]

### (Licensing)

**675.030 Licensing of psychologists after examination; requirements; fee; resident designation; rules.** (1) Upon application for licensure accompanied by the established fee, the State Board of Psychologist Examiners shall issue a psychologist license to any applicant who performs to the satisfaction of the board in examinations prescribed by the board and furnishes evidence satisfactory to the board that the applicant:

(a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable rules of the board;

(b) Holds a doctoral degree in psychology, such degree having been obtained from an approved doctoral program in psychology;

(c) Has satisfactorily completed such courses and training as may be required by the board;

(d) Has had two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence; and

(e) Is of good moral character. For purposes of this section, the lack of good moral character may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question must be rationally connected to the applicant's fitness to practice psychology.

(2) The board shall adopt rules by which a person receiving post-doctoral supervision during the application process may enter into a contract to practice psychology under the supervision of a licensed psychologist, psychologist associate or a person considered by the board to have equivalent supervisory competence. An applicant who enters such a contract shall be designated as a psychol-

ogist resident or a psychologist associate resident, accordingly, and shall be subject to ORS 675.010 to 675.150. [1963 c.396 §3; 1973 c.777 §3; 1985 c.90 §3; 1991 c.311 §1; 1991 c.490 §2; 1993 c.585 §3; 2005 c.7 §1]

**675.040 Examinations for licensing.** (1) Examinations administered by the State Board of Psychologist Examiners for applicants for licenses under ORS 675.010 to 675.150 shall be held at least once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(2) Any applicant may, upon written request to the board, discuss the applicant's performance on the board administered examination with the board.

(3) Any applicant who fails to make a passing grade on the board administered examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1963 c.396 §4; 1973 c.777 §6; 2005 c.7 §2]

**675.045 Examinations administered by board; rules.** (1) The State Board of Psychologist Examiners shall adopt rules governing examinations required by the board.

(2) When the board requires a board administered examination, the board shall:

(a) Maintain a complete record of the proceedings and of the questions asked and responses given; and

(b) Inform applicants in writing of the examination results for each tested subject area.

(3) Upon written request to the board, an applicant who fails a board administered examination may review the record of the examination. To ensure and maintain test security, the applicant shall sign a confidentiality agreement prior to reviewing the record of the examination.

(4) Any applicant who fails a board administered examination shall be:

(a) Allowed to petition the board to reconsider the results of the entire examination or the results of a particular tested area.

(b) Reexamined only in the tested areas in which the applicant did not receive a passing grade. [1985 c.90 §6; 1997 c.681 §1; 2005 c.7 §3]

**675.050 Licensing without national examination; fee; rules.** (1) Upon application for licensure accompanied by the established fee, the State Board of Psychologist Examiners may issue a license, without national examination, to any applicant who furnishes evidence satisfactory to the board that the applicant:

(a) Holds a doctoral degree from an approved doctoral program in psychology and is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to licensing requirements of ORS 675.010 to 675.150 and the rules of the board;

(b) Is a diplomate in good standing of the American Board of Professional Psychology;

(c) Is licensed in a jurisdiction that is a party to a licensing reciprocity agreement with the State of Oregon and meets the requirements for reciprocity in the agreement;

(d) Possesses a valid Certificate of Professional Qualification granted by the Association of State and Provincial Psychology Boards or is credentialed as a Health Service Provider in Psychology by the National Register of Health Service Providers in Psychology; or

(e)(A) Possesses and has maintained for at least 15 years a license to practice psychology that is based on a doctoral degree and that is issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards; and

(B) Meets other requirements established by the State Board of Psychologist Examiners.

(2) The State Board of Psychologist Examiners shall adopt by rule and administer an examination on Oregon law to an applicant described in subsection (1) of this section. [1963 c.396 §5; 1973 c.777 §7; 1985 c.90 §4; 1991 c.320 §1; 1993 c.585 §4; 2003 c.14 §429; 2003 c.316 §1; 2005 c.7 §4]

**675.060** [1963 c.396 §7; 1967 c.470 §63; repealed by 1973 c.777 §21]

**675.063 Limited permit to practice as psychologist; duration.** Upon application therefor and payment of the required fee, the State Board of Psychologist Examiners may issue a limited permit to practice as a psychologist to an applicant holding a certificate or license to practice psychology issued by another state whose requirements are, in the judgment of the board, essentially equivalent to those required by ORS 675.010 to 675.150. The limited permit shall be valid for a period of not more than 180 calendar days in any 24-month period. [1973 c.777 §15; 1987 c.56 §1; 1997 c.249 §204; 1999 c.59 §201]

**675.065 Psychologist associate licensing procedure.** (1) The State Board of Psychologist Examiners shall issue psychologist associate licenses to applicants who meet requirements of this section, do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by

the board. Such functions may include but are not restricted to administering tests of mental abilities, conducting personality assessments and counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license.

(3) Upon petition by a psychologist associate, the board may grant authority to function without immediate supervision.

(4) Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist associate license to any applicant who performs to the satisfaction of the board in the examinations prescribed by the board if the board determines that the applicant:

(a) Is of good moral character;

(b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

(c) Has received a master's degree in psychology from a psychology program approved by the board by rule;

(d) Has completed an internship in an approved educational institution or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a psychologist licensed in Oregon, or under the direction of a person considered by the board to have equivalent supervisory competence; and

(e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence. [1973 c.777 §5; 1987 c.158 §137; 1991 c.490 §3; 1993 c.585 §5; 1999 c.443 §2; 2005 c.7 §5]

**675.070 Authorized sanctions; grounds for imposing sanctions; civil penalty.** (1) Where any of the grounds enumerated in subsection (2) of this section exist, the State Board of Psychologist Examiners may impose any of the following sanctions:

(a) Deny a license to any applicant;

(b) Refuse to renew the license of any psychologist or psychologist associate;

(c) Suspend the license of any psychologist or psychologist associate for a period of not less than one year;

(d) Issue a letter of reprimand;

(e) Impose probation with authority to restrict the scope of practice of a psychologist or psychologist associate or require practice under supervision;

(f) Revoke the license of any psychologist or psychologist associate; or

(g) Impose a civil penalty as set forth in subsection (3) of this section.

(2) Grounds exist for imposition of any of the sanctions enumerated in subsection (1) of this section against any psychologist or psychologist associate or applicant, or, where applicable, any unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

(a) Has an impairment as defined in ORS 676.303;

(b) Has been convicted of violation of any law relating to controlled substances;

(c) Has been convicted of any felony or of any misdemeanor involving moral turpitude;

(d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology which includes but is not limited to:

(A) Any conduct or practice contrary to recognized standard of ethics of the psychological profession or any conduct or practice that constitutes a danger to the health or safety of a patient or the public, or any conduct, practice or condition that adversely affects a psychologist or psychologist associate's ability to practice psychology safely and skillfully.

(B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care, or otherwise ordering or performing any psychological service or treatment which is contrary to recognized standards of practice of the psychological profession;

(e) Has practiced or attempted to practice medicine without being licensed to do so;

(f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or material misrepresentation;

(g) Has impersonated a licensed psychologist or psychologist associate or has allowed another person to use the license of the psychologist;

(h) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of professional conduct formulated under ORS 675.110 (12); or

(i) Has obtained a fee or payment from a patient or third party payer through fraud or intentional misrepresentation.

(3) The board may impose a civil penalty under subsection (1) of this section:

(a) In an amount not to exceed $5,000; or

(b) In an amount not to exceed $10,000, if any of the following conditions exist:

(A) The conduct giving rise to the penalty had a serious detrimental effect on the health or safety of another person;

(B) The person subject to the penalty has a history of discipline for the same or similar conduct;

(C) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;

(D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person or a person with a disability; or

(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or representing that the person is a psychologist without having a license.

(4) In case of any conviction required under subsection (2) of this section as grounds for denial, refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy of the record of the conviction shall be conclusive evidence.

(5) The board may license an applicant or renew or restore any license suspended or revoked under subsection (2)(a) of this section due to a mental health condition if the board determines that the applicant or former licensed psychologist or former psychologist associate no longer has an impairment due to a mental health condition.

(6) License suspension or revocation in another state is grounds for license denial or disciplinary action by the board. [1963 c.396 §8; 1973 c.777 §10; 1979 c.744 §49; 1985 c.90 §7; 1989 c.44 §1; 1989 c.217 §1; 1989 c.444 §1; 2009 c.441 §1; 2009 c.756 §6]

**675.075 Confidentiality of information obtained under ORS 675.070 or 675.085.** (1) Any information that the State Board of Psychologist Examiners obtains under ORS 675.070 or 675.085 is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof. [1989 c.438 §2; 1997 c.791 §10]

**675.080** [1963 c.396 §9; repealed by 1971 c.734 §21]

**675.085 Investigation; disciplinary procedure.** (1) Upon receipt of a complaint under ORS 675.010 to 675.150, the State Board of Psychologist Examiners shall conduct an investigation as described under ORS 676.165.

(2) Where the board proposes to refuse to issue a license or to impose any disciplinary action under ORS 675.070, opportunity for hearing shall be accorded as provided in ORS chapter 183. The board shall render its decision within 30 days after the hearing.

(3) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS chapter 183. [1971 c.734 §117; 1973 c.777 §11; 1985 c.90 §8; 1997 c.791 §11]

**675.087 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license.** The lapse, suspension or revocation of a license issued under ORS 675.010 to 675.150 by the operation of law, by order of the State Board of Psychologist Examiners or by the decision of a court of law, or the voluntary surrender of a license by a licensee, does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or to revise or render null and void an order suspending or revoking the license. [2005 c.8 §2]

**675.090 Application of ORS 675.010 to 675.150.** (1) ORS 675.010 to 675.150 do not apply to:

(a) A person who teaches psychology, conducts psychological research or provides consulting services to an organization or institution provided that the teaching, research or consulting services do not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the beneficiaries of the services, regardless of the source or extent of payment for the services rendered. Nothing in ORS 675.010 to 675.150 shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this subsection. A person performing the functions authorized by this paragraph may use the title "psychologist" only if the person holds a doctoral degree in psychology from an approved doctoral program in psychology.

(b) A person who is either:

(A) A matriculated graduate student pursuing a graduate degree in professional psychology at an approved doctoral program in psychology;

(B) A student pursuing postdoctoral training or experience in professional psychology, including a person seeking to fulfill the licensure requirements established in ORS 675.010 to 675.150; or

(C) A person pursuing certification or licensure or a graduate degree in any of the certified or licensed professions otherwise exempted from ORS 675.010 to 675.150.

(c) A person who is licensed or certified by the State of Oregon to provide mental health services, provided that the services are rendered within the person's lawful scope of practice and that the person does not use the title "psychologist" in connection with the activities authorized in this paragraph.

(d) A person who is licensed, certified or otherwise authorized by the State of Oregon to render professional services, provided that the services are rendered within the person's lawful scope of practice and that the person does not use the title "psychologist" in connection with the activities authorized under this paragraph.

(e) A person who is employed by a local, state or federal government agency, or employed by a community mental health program or drug and alcohol treatment program licensed or certified by the State of Oregon to the extent that the person's activities and services are rendered within the person's scope of employment and are performed within the confines of the employing agency and provided that the person does not use the title "psychologist" in connection with the activities authorized under this paragraph.

(f) A person who is a recognized member of the clergy, provided that the person is acting in the person's ministerial capacity and does not use the title "psychologist."

(g) A person who has credentials as a school psychologist if the person is an employee of an educational institution and restricts the person's practice to activities within a school setting. A person acting under this paragraph may use the title "school psychologist."

(2) A person described in subsection (1)(b) of this section may use the title "psychological trainee," "psychological intern," "psychologist resident" or "psychologist associate resident" if the person is pursuing the education or training described in subsection (1)(b) of this section under the supervision and responsibility of a licensed psychologist in accordance with the rules adopted by the State Board of Psychologist Examiners.

(3) Nothing in this section shall exempt from ORS 675.010 to 675.150 a person whose license to practice psychology is revoked or suspended because the person engaged in sexual activity with a client. [1963 c.396 §10; 1971 c.362 §2; 1973 c.777 §8; 1985 c.90 §9; 1989 c.491 §66; 1991 c.67 §178; 1993 c.585 §6; 1995 c.810 §3; 1997 c.249 §205]

**Note:** The amendments to 675.090 by section 2, chapter 441, Oregon Laws 2009, become operative January 1, 2012. See section 4, chapter 441, Oregon Laws 2009. The text that is operative on and after January 1, 2012, is set forth for the user's convenience.

**675.090.** (1) ORS 675.010 to 675.150 do not apply to:

(a) A person who teaches psychology, conducts psychological research or provides consulting services to an organization or institution provided that the teaching, research or consulting services do not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the beneficiaries of the services, regardless of the source or extent of payment for the services rendered.

(b) The provision of expert testimony by a person described in paragraph (a) of this subsection.

(c) A person who is either:

(A) A matriculated graduate student pursuing a graduate degree in professional psychology at an approved doctoral program in psychology;

(B) A student pursuing postdoctoral training or experience in professional psychology, including a person seeking to fulfill the licensure requirements established in ORS 675.010 to 675.150; or

(C) A person pursuing certification or licensure or a graduate degree in any of the certified or licensed professions otherwise exempted from ORS 675.010 to 675.150.

(d) A person who is licensed or certified by the State of Oregon to provide mental health services, provided that the services are rendered within the person's lawful scope of practice and that the person does not use the title "psychologist" in connection with the activities authorized in this paragraph.

(e) A person who is licensed, certified or otherwise authorized by the State of Oregon to render professional services, provided that the services are rendered within the person's lawful scope of practice and that the person does not use the title "psychologist" in connection with the activities authorized under this paragraph.

(f) A person who is employed by a local, state or federal government agency, or employed by a community mental health program or drug and alcohol treatment program licensed or certified by the State of Oregon to the extent that the person's activities and services are rendered within the person's scope of employment and are performed within the confines of the employing agency and provided that the person does not use the title "psychologist" in connection with the activities authorized under this paragraph.

(g) A person who is a recognized member of the clergy, provided that the person is acting in the person's ministerial capacity and does not use the title "psychologist."

(h) A person who has credentials as a school psychologist if the person is an employee of an educational institution and restricts the person's practice to activities within a school setting. A person acting under this paragraph may use the title "school psychologist."

(2)(a) Notwithstanding subsection (1)(f) of this section, a person with a doctoral degree in psychology who is employed by and practicing psychology at a local, state or federal government agency or a community mental health program or drug and alcohol treatment program licensed or certified by the State of Oregon may practice psychology without a license under ORS 675.010 to 675.150 for no more than 24 months after the person begins practicing psychology at the agency or program.

(b) Before the person obtains a license under ORS 675.010 to 675.150:

(A) The person may practice psychology only within the scope of the person's employment and within the confines of the employing agency or program; and

(B) The person may not use the title "psychologist."

(3) A person performing the functions described in subsection (1)(a) and (b) of this section may use the title "psychologist" only if the person holds a doctoral degree in psychology from an approved doctoral program in psychology.

(4) A person described in subsection (1)(c) of this section may use the title "psychological trainee," "psychological intern," "psychologist resident" or "psychologist associate resident" if the person is pursuing the education or training described in subsection (1)(c) of this section under the supervision and responsibility of

a licensed psychologist in accordance with the rules adopted by the State Board of Psychologist Examiners.

(5) Nothing in this section exempts from ORS 675.010 to 675.150 a person whose license to practice psychology is revoked or suspended because the person engaged in sexual activity with a client.

## (State Board)

**675.100 State Board of Psychologist Examiners.** (1) There hereby is created a State Board of Psychologist Examiners consisting of nine members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be Oregon residents. Of the members of the board:

(a) Six of the members must have doctoral or master's degrees with primary emphasis in psychology and must be licensed psychologists or former licensed psychologists who are retired from the practice of psychology; and

(b) Three of the members must be members of the public and may not be:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of a licensed psychologist.

(2)(a) Board members required to be licensed psychologists may be appointed from a list of three to five nominees for each vacancy, submitted by any professional organization that represents psychologists.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of a board member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year.

(b) Before the expiration of the term of a member, the Governor shall appoint a successor to assume duties on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a licensed psychologist or a retired psychologist who was a licensed psychologist in good standing at the time of retirement, if the board member was appointed to serve on the board as a psychologist.

(4) Before entering upon the duties of office, each board member shall subscribe to an oath that the member will faithfully and impartially discharge the duties of office and that the member will support the Constitution of the United States and the Constitution of this state. The oath shall be filed with the Secretary of State.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [1963 c.396 §11; 1969 c.314 §77; 1973 c.777 §9a; 1973 c.792 §32; 2009 c.400 §1; 2009 c.535 §1; 2009 c.756 §7]

**675.110 Powers of board; rules; fees.** The State Board of Psychologist Examiners shall have the following powers, in addition to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary or proper to carry the granted powers into effect:

(1) To determine qualifications of applicants to practice psychology in this state; to cause to have examinations prepared, conducted and graded and to grant licensing to qualified applicants upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules of the board.

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

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

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

(5) To impose civil penalties not to exceed $1,000.

(6) To restore licenses which have been suspended or revoked or voided by nonpayment of the renewal fee.

(7)(a) To collect fees for application, examination and licensing of applicants, for renewal of licenses, and for issuance of limited permits, such fees to be used to defray the expenses of the board as provided in ORS 675.140.

(b) The board may collect a delinquent renewal fee for licenses renewed after the deadline for renewal but before the grace period for renewal has expired.

(8) To investigate alleged violations of ORS 675.010 to 675.150.

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

(10) To enforce ORS 675.010 to 675.150 and to exercise general supervision over the practice of psychology in this state.

(11) To adopt a common seal.

(12) To 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.

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

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

(15) To 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 previous completion of:

(a) A pain management education program approved by the board and developed in conjunction with the Pain Management Commission established under ORS 409.500; or

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

(16) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, to require the fingerprints of a person who is:

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

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

(c) Under investigation by the board.

(17) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to carry out the provisions of ORS 675.010 to 675.150. [1963 c.396 §12; 1973 c.39 §1; 1973 c.777 §12; 1983 c.289 §1; 1985 c.90 §10; 2001 c.987 §12; 2003 c.630 §§1,2; 2005 c.730 §§62,63; 2007 c.94 §1]

**675.115 How fees determined.** Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under ORS 675.110 shall not exceed the cost of administering the regulatory program of the State Board of Psychologist Examiners pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board. [1983 c.289 §2; 1991 c.703 §19]

**Note:** 675.115 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 675 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**675.120** [1963 c.396 §13; repealed by 1973 c.777 §21]

**675.130 Officers; quorum; meetings; records; executive director.** (1) The State Board of Psychologist Examiners shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the board shall determine.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairperson, or of a majority of the members of the board or of the Governor.

(4) The executive director of the board shall maintain records of all board proceedings under ORS 675.010 to 675.150.

(5) The executive director shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their licenses. [1963 c.396 §14; 1973 c.777 §14; 1983 c.740 §249; 2009 c.756 §8]

**675.140 State Board of Psychologist Examiners Account; appropriation.** On or before the 10th day of each month, the State Board of Psychologist Examiners shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150. [1963 c.396 §15; 1967 c.637 §28; 1973 c.777 §17]

## (Miscellaneous)

**675.145 Duty to report prohibited conduct.** Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensed psychologist who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in

ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150. [2009 c.536 §26]

**Note:** Sections 1 and 2, chapter 558, Oregon Laws 2009, provide:

**Sec. 1. Work Group on Prescriptive Authority for Licensed Psychologists.** (1) There is created the Work Group on Prescriptive Authority for Licensed Psychologists, consisting of seven members appointed jointly by the Oregon Medical Board, the State Board of Psychologist Examiners and the State Board of Pharmacy, as follows:

(a) Two psychiatrists, one of whom must be a member of the faculty at the Oregon Health and Science University;

(b) Two psychologists licensed under ORS 675.010 to 675.150 who each:

(A) Have a postdoctoral master's degree in clinical psychopharmacology; or

(B) Have completed the United States Department of Defense Psychopharmacology Demonstration Project;

(c) One psychologist licensed under ORS 675.010 to 675.150 who does not have authority to prescribe or dispense drugs and who works in a health care setting;

(d) One primary care physician licensed under ORS chapter 677; and

(e) One pharmacist licensed under ORS chapter 689.

(2) The work group shall:

(a) Develop recommendations for an accredited training program to allow psychologists to safely prescribe medications for the treatment of mental illness;

(b) Evaluate the training necessary to allow a prescribing psychologist to work with special populations, including but not limited to children, persons with addictions, persons with comorbid medical illness and persons who are elderly;

(c) Develop recommendations for legislation to change current statutes to accommodate prescribing psychologists;

(d) Develop recommendations for oversight of prescribing psychologists; and

(e) Evaluate the costs of implementing the training program.

(3) The work group shall contract with a mediator to facilitate the work group.

(4) A majority of the members of the work group constitutes a quorum for the transaction of business.

(5) Official action by the work group requires the approval of a majority of the members of the work group.

(6) If there is a vacancy for any cause, the appointing authorities shall make an appointment to become immediately effective.

(7) The work group shall meet at times and places specified by the mediator or a majority of the members of the work group.

(8) The work group may adopt rules necessary for the operation of the work group.

(9) The work group may accept gifts, grants or contributions from any public or private source for the purpose of carrying out this section.

(10) The work group shall submit a report, including recommendations for legislation, to the Legislative Assembly as provided in ORS 192.245 or to an interim committee of the Legislative Assembly related to the practice of medicine, as appropriate, no later than January 31, 2010.

(11) Members of the work group are not entitled to compensation or reimbursement for expenses and serve as volunteers.

(12) All agencies of state government, as defined in ORS 174.111, are directed to assist the work group in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the work group consider necessary to perform their duties. [2009 c.558 §1]

**Sec. 2.** Section 1 of this 2009 Act is repealed on June 30, 2010. [2009 c.558 §2]

### (Enforcement)

**675.150 Enforcement procedures.** The State Board of Psychologist Examiners may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin the person from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment. [1973 c.777 §13]

## OCCUPATIONAL THERAPISTS

### (Generally)

**675.210 Definitions for ORS 675.210 to 675.340.** As used in ORS 675.210 to 675.340, unless the context requires otherwise:

(1) "Board" means the Occupational Therapy Licensing Board.

(2) "Occupational therapist" means a person licensed to practice occupational therapy under ORS 675.210 to 675.340.

(3) "Occupational therapy" means the analysis and use of purposeful activity with individuals who are limited by physical injury or illness, developmental or learning disabilities, psychosocial dysfunctions or the aging process in order to maximize independence, prevent disability and maintain health. The practice of occupational therapy encompasses evaluation, treatment and consultation. Specific occupational therapy services includes but is not limited to: Activities of daily living (ADL); perceptual motor and sensory integrated activity; development of work and leisure skills; the design, fabrication or application of selected orthotics or prosthetic devices; the use of specifically designed crafts; guidance in the selection and use of adaptive equipment; exercises to enhance functional performance; prevocational evaluation and training; performing and interpreting manual muscle and range of motion test; and appraisal and adaptation of environments for people with mental and

physical disabilities. The services are provided individually, in groups, or through social systems.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.

(5) "Person" means any individual, partnership, unincorporated association or corporate body, except only an individual may be licensed under ORS 675.210 to 675.340. [1977 c.858 §1; 1981 c.250 §1; 1989 c.224 §132; 1997 c.105 §1]

**675.220 Representation as occupational therapist or therapy assistant prohibited without license; exception.** (1) No person shall practice occupational therapy or purport to be an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, or use the abbreviations designated by the Occupational Therapy Licensing Board under ORS 675.320 unless the person is licensed in accordance with ORS 675.210 to 675.340.

(2) ORS 675.210 to 675.340 do not apply to:

(a) Employment as an occupational therapist or occupational therapy assistant in an institution or an agency of the federal government.

(b) Persons licensed under any other law of this state to do any acts included in the definition of occupational therapy in ORS 675.210 or persons working under the direction of any such person.

(c) The practice of occupational therapy which is incidental to the planned program of study for students enrolled in an occupational therapist or occupational therapy assistant program approved by the board. [1977 c.858 §§2,3; 1981 c.250 §2]

**675.222 Employing unlicensed person prohibited.** No person shall hire or employ a person to practice as an occupational therapist or as an occupational therapy assistant unless the person hired or employed is licensed in accordance with ORS 675.210 to 675.340. [1991 c.791 §4]

**(Licensing)**

**675.230 Application for licensing.** Any person desiring to be licensed as an occupational therapist or occupational therapy assistant shall apply in writing to the Occupational Therapy Licensing Board in the form and manner provided by the board. Each application shall include or be accompanied by evidence, satisfactory to the board, that the applicant possesses the qualifications prescribed in ORS 675.240 for applicants for licensing as an occupational therapist, or in ORS 675.250 for applicants for licensing as an occupational therapy assistant. [1977 c.858 §4; 2005 c.21 §6]

**675.240 Qualifications for licensing as occupational therapist; rules.** Except as provided in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall:

(1) Have successfully completed an educational program in occupational therapy recognized by the Occupational Therapy Licensing Board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

(2) Pass to the satisfaction of the board an examination adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

(3) Have successfully completed at least six months of supervised field work that complies with rules adopted by the board.

(4) Comply with continuing education requirements as adopted by the board by rule.

(5) If the applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapist. [1977 c.858 §5; 1981 c.250 §3; 1997 c.104 §1; 2007 c.316 §1]

**675.250 Qualifications for licensing as occupational therapy assistant; rules.** Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to 675.340 as an occupational therapy assistant shall:

(1) Be at least 18 years of age.

(2) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the Occupational Therapy Licensing Board.

(3) Pass an examination approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant.

(4) Have successfully completed at least two months of supervised field work that complies with rules adopted by the board.

(5) Comply with continuing education requirements as adopted by the board by rule.

(6) If the applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapy assistant. [1977 c.858 §6; 1981 c.250 §4; 1997 c.104 §2; 2007 c.316 §2]

**675.260** [1977 c.858 §7; 1981 c.250 §5; 1989 c.338 §1; repealed by 1997 c.104 §5]

**675.270 Licensing without examination; fee.** (1) The Occupational Therapy Licensing Board may license without examination any person who applies and meets the requirements under ORS 675.210 to 675.340, and:

(a) Is currently certified as an occupational therapist registered (O.T.R.) or certified occupational therapy assistant (C.O.T.A.) by the National Board for Certification in Occupational Therapy; or

(b) Presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States that requires standards for licensure considered by the Occupational Therapy Licensing Board to be equivalent to the requirements for licensure under ORS 675.210 to 675.340.

(2) Each applicant under this section shall pay a license fee, in an amount established by the board, at the time of filing an application under this section. [1977 c.858 §8; 1981 c.250 §6; 1989 c.338 §2; 1997 c.104 §3; 2003 c.130 §1]

**675.280 License period; fee; issuance of certificate; certificate as evidence; posting.** Licenses issued under ORS 675.210 to 675.340 shall expire on May 31 of even-numbered years. The Occupational Therapy Licensing Board shall license any person who meets the requirements of ORS 675.210 to 675.340 upon payment of a license fee in an amount established by the board. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to purport to be a licensed occupational therapist or occupational therapy assistant subject to the provisions of ORS 675.210 to 675.340. The certificate shall be posted in a conspicuous place on the premises of the occupational therapy employer. [1977 c.858 §9; 1981 c.250 §7; 1989 c.338 §3; 2003 c.130 §2]

**675.290 License renewal procedure; delinquent fee.** Each licensed occupational therapist or occupational therapy assistant shall apply to the Occupational Therapy Licensing Board prior to the expiration of a license for a renewal of a license. Each applicant for renewal of a license shall pay a renewal fee, in an amount established by the board, at the time of filing a renewal application. Any license that is not renewed before June 1 of even-numbered years, or before such date as may be specified by board rule, shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of a delinquent fee in the amount of $50. However, late renewal of a license may not be granted more than three years after its expiration. [1977 c.858 §10; 1981 c.250 §8; 1989 c.338 §4; 2003 c.130 §3; 2007 c.768 §43]

**675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license; confidentiality of information.** (1) The Occupational Therapy Licensing Board may deny, suspend, revoke or refuse to renew a license or may impose probationary conditions where the licensee or applicant has been guilty of:

(a) Unprofessional conduct as defined by the standards established by the board;

(b) Obtaining or attempting to obtain a license by means of fraud, misrepresentation or concealment of material facts;

(c) Violating any lawful order or rule adopted by the board that may affect the health, welfare or safety of the public; or

(d) Gross negligence or incompetence in the performance of professional duties.

(2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to 675.340 and 675.990 (2) if the licensee has an impairment as defined in ORS 676.303.

(3) Where the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

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

(5) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175. [1977 c.858 §§13,14,15; 1997 c.791 §12; 2009 c.756 §9]

**(State Board)**

**675.310 Occupational Therapy Licensing Board.** (1) There is created the Occupational Therapy Licensing Board. The board is composed of five members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Two must be licensed occupational therapists in this state with no less than three years of experience in occupational therapy immediately preceding their appointment;

(b) One must be a licensed occupational therapy assistant; and

(c) Two must be members of the public who are not:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of an individual who is a licensed occupational therapist or licensed occupational therapy assistant.

(2)(a) Board members required to be occupational therapists or occupational therapy assistants may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by:

(A) The Occupational Therapy Association of Oregon, if the vacancy is in an occupational therapist position; or

(B) Any professional organization representing occupational therapy assistants, if the vacancy is in an occupational therapy assistant position.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) Board members serve a term of four years, but a member serves at the pleasure of the Governor. The terms shall be staggered so that no more than two terms end each year. A member is eligible for reappointment. If a vacancy occurs in the membership of the board for any reason, the Governor shall make an appointment to become immediately effective for the expired term.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed occupational therapist or a retired occupational therapist who was a licensed occupational therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as an occupational therapist; or

(D) Is not a licensed occupational therapy assistant or a retired occupational therapy assistant who was a licensed occupational therapy assistant in good standing at the time of retirement, if the board member was appointed to serve on the board as an occupational therapy assistant.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [1977 c.858 §11; 1997 c.632 §10; 2007 c.316 §3; 2009 c.535 §2]

**675.320 Powers of board; fees; rules.** The Occupational Therapy Licensing Board shall have the following powers in addition to powers otherwise granted under ORS 675.210 to 675.340 or necessary to carry out the provisions of ORS 675.210 to 675.340:

(1) To organize and elect from its membership a chairperson and vice chairperson, each of whom shall hold office for one year or until the election and qualification of a successor.

(2) To authorize all necessary disbursements to carry out the provisions of ORS 675.210 to 675.340, including, but not limited to, payment for necessary supplies, office equipment and investigations and such other expenditures as provided for in ORS 675.210 to 675.340.

(3) To suspend, revoke or invalidate licenses for nonpayment of renewal fees.

(4) To restore licenses that have been suspended, revoked or voided.

(5) To adopt license and license renewal fees under ORS 675.270, 675.280 and 675.290. The fees must be approved by the Oregon Department of Administrative Services and may not exceed the cost of administering ORS 675.210 to 675.340.

(6) To collect license applications and renewal fees.

(7) To investigate alleged violations of ORS 675.210 to 675.340.

(8) To enforce the provisions of ORS 675.210 to 675.340 and generally supervise the practice of occupational therapy in this state.

(9) To make and enforce rules in accordance with ORS chapter 183 for the procedure of the board and for regulating the practice of occupational therapy not inconsistent with the provisions of ORS 675.210 to 675.340.

(10) To establish minimum requirements for continuing education to be complied with by all licensees under ORS 675.210 to 675.340.

(11) To establish minimum requirements for limited permit to be complied with by all applicants prior to issuance of limited permit. A limited permit shall be issued to a person at the discretion of the board upon application and payment of a permit fee of $25.

(12) To establish official abbreviations that may be used, under ORS 675.220 (1), by persons licensed as occupational therapists or occupational therapy assistants.

(13) To establish minimum requirements for supervised field work necessary for applicants under ORS 675.240 or 675.250.

(14) To adopt rules that define the scope of the practice of occupational therapy and that reflect national standards for the practice of occupational therapy. [1977 c.858 §12; 1981 c.250 §9; 1989 c.338 §5; 1997 c.104 §4; 2003 c.130 §4; 2007 c.316 §4; 2009 c.756 §11]

**675.330 Occupational Therapy Licensing Board Account.** (1) The Occupational Therapy Licensing Board Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Occupational Therapy Licensing Board under ORS 675.210 to 675.340 shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of ORS 675.210 to 675.340 and 675.990 (2). Any interest or other income from moneys in the account shall be credited to the account.

(2) All civil penalties collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 shall be deposited into the Occupational Therapy Licensing Board Account and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

(3) All fines collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 and 675.990 (2) shall be forwarded to the Department of Revenue for deposit in the Criminal Fine and Assessment Account. [1977 c.858 §16; 1991 c.460 §6; 2005 c.726 §22]

**(Miscellaneous)**

**675.332 Duty to report prohibited conduct.** Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, an occupational therapist who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150. [2009 c.536 §23]

**(Enforcement)**

**675.335 Investigation of alleged violations; subpoenas.** (1) Upon the complaint of any citizen of this state, or upon its own motion, the Occupational Therapy Licensing Board may investigate any alleged violation of ORS 675.210 to 675.340. The board shall conduct an investigation as described under ORS 676.165.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon. [1989 c.843 §2; 1997 c.791 §13]

**675.336 Civil penalties.** (1) In addition to any other liability or penalty provided by law, the Occupational Therapy Licensing Board may impose a civil penalty on a person who violates the provisions of ORS 675.210 to 675.340.

(2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

(3) All penalties recovered under this section shall be paid into the Occupational Therapy Licensing Board Account established in ORS 675.330 and shall be used only for the administration and enforcement of ORS 675.210 to 675.340. [1991 c.734 §112; 1991 c.791 §2; 2005 c.726 §23]

**675.337 Schedule of civil penalties; rules.** (1) After public hearing, the Occupational Therapy Licensing Board by rule shall adopt a schedule establishing the civil penalty that may be imposed under ORS 675.336. For a first violation of the provisions of ORS 675.210 to 675.340, the board shall issue a warning notice. The board may impose a fine of not to exceed $200 on a second violation and may impose a fine of not to exceed $1,000 upon third and subsequent violations.

(2) In imposing a penalty pursuant to the schedule adopted pursuant to subsection (1) of this section, the board shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of the statute or rule.

(c) The economic or financial conditions of the person incurring the penalty.

(d) The immediacy and extent to which the violation threatens the public health or safety.

(3) A civil penalty imposed under ORS 675.336 may be remitted or reduced upon such terms or conditions as the board considers proper and consistent with the public health and safety. [1991 c.791 §3]

**675.340 Enforcement procedure.** The district attorney shall prosecute all persons charged with violations of any of the provisions of ORS 675.210 to 675.340 and 675.990 (2). The director, under the direction of the Occupational Therapy Licensing Board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2). [1977 c.858 §17; 2003 c.130 §5]

## CERTIFIED SEX OFFENDER THERAPISTS

### (Generally)

**675.360 Legislative findings.** (1) The Legislative Assembly hereby declares that the comprehensive treatment of sex offenders who are subject to the supervision of the criminal justice and juvenile justice systems and the Oregon Health Authority is necessary in order to work toward the elimination of sex offenses. The Legislative Assembly hereby recognizes that sex offender therapists who examine and treat sex offenders therefore occupy a vital role in protecting the public from sex offenders who remain in the community prior to or following disposition or who will reenter the community following a period of incarceration.

(2) The Legislative Assembly further finds that the qualifications, practices, techniques and levels of effectiveness of sex offender therapists vary widely and that the court's ability to effectively determine appropriate sentencing and monitoring for sex offenders, thus curtailing the incidence of recidivism in such offenders and enhancing the protection of victims and potential victims, is undermined by a lack of regulated standards of practice and professional responsibility.

(3) The Legislative Assembly recognizes the right of sex offender therapists to practice, consistent with the paramount requirement of public safety. Public safety is best served by regulating sex offender therapists whose clients are being treated under alternative sentencing or disposition, parole, post-prison supervision, supervision by a county juvenile department or custody of the Oregon Health Authority or the Oregon Youth Authority.

(4) ORS 675.375 establishes the titles certified clinical sex offender therapist and certified associate sex offender therapist. ORS 675.360 to 675.410 do not prohibit others from providing services to treat sex offenders. However, only those certified under ORS 675.360 to 675.410 shall represent the designated titles to the public. Adult and juvenile parole and probation authorities and the Oregon Health Authority may restrict their referrals to those providers who are certified under ORS 675.360 to 675.410. [2007 c.841 §1; 2009 c.595 §1049]

**Note:** 675.360 to 675.410 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 675 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**675.365 Definitions for ORS 675.360 to 675.410.** As used in ORS 675.360 to 675.410:

(1) "Certified associate sex offender therapist" means a person who is certified under ORS 675.375 or 675.380 to provide services for the treatment and rehabilitation of sex offenders while under the direct supervision of a certified clinical sex offender therapist.

(2) "Certified clinical sex offender therapist" means a person who is certified under ORS 675.375 or 675.380 to provide services for the treatment and rehabilitation of sex offenders and who may supervise certified associate sex offender therapists.

(3) "Certified sex offender therapist" means a certified clinical sex offender therapist or a certified associate sex offender therapist.

(4) "Direct supervision" means a minimum of two hours of supervision by a certified clinical sex offender therapist for each 45 hours of direct clinical contact with a sex offender.

(5) "Professional disclosure statement" means a statement about an applicant for certification under ORS 675.375 or 675.380 that includes the following information:

(a) Name, business address and telephone number;

(b) Philosophy and approach to treatment and rehabilitation of sex offenders;

(c) Formal education and training;

(d) Continuing education experience and name of supervisor, if any;

(e) Fee schedules for sex offender treatment services; and

(f) The name, address and telephone number of the Sex Offender Treatment Board.

(6) "Sex offender" means a person convicted or adjudicated of a sex crime, as defined in ORS 181.594, or a sexual offense, as provided in ORS 163.305 to 163.467, and mandated by a court, a releasing authority, including the Oregon Youth Authority, or the Oregon Health Authority to successfully complete a sex offender treatment program.

(7) "Sex offender treatment" means the process of evaluation, assessment and refor-

mation of sex offenders. [2007 c.841 §2; 2009 c.595 §1050; 2009 c.701 §4]

**Note:** See note under 675.360.

**675.370 Representation as certified sex offender therapist prohibited without certification; fraudulent certification.** (1) Unless a person has applied for and received certification under ORS 675.375 or 675.380, a person may not claim certification as or represent that person to be a:

(a) Certified clinical sex offender therapist; or

(b) Certified associate sex offender therapist.

(2) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex offenders.

(3) A person may not:

(a) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380 by bribery or fraudulent representation; or

(b) Purport to the public to be engaged in the practice of sex offender treatment under the title "clinical sex offender therapist" or "associate sex offender therapist" unless the person possesses a valid certification under ORS 675.360 to 675.380.

(4) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the practice of an individual's profession or to restrict a person from providing counseling or therapy if the person or individual does not represent to the public by title that the person or individual is a certified sex offender therapist.

(5) Each violation of subsections (3) to (5) of this section is a separate violation. [2007 c.841 §§3,11]

**Note:** See note under 675.360.

**Note:** 675.370 (3), (4) and (5) were added to and made a part of 675.360 to 675.410 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**(Certification)**

**675.375 Certification of clinical sex offender therapist or associate sex offender therapist; requirements; renewal, reactivation or reinstatement of certification; rules.** (1) To obtain certification as a clinical sex offender therapist or associate sex offender therapist, an applicant must complete an application developed and prescribed by the Sex Offender Treatment Board and file a professional disclosure statement with the Oregon Health Licensing Agency. The documents must be accompanied by a fee established by the agency.

(2) Subject to the provisions of ORS 676.612, the agency may issue two types of certification to qualified applicants under this section:

(a) Clinical sex offender therapist; and

(b) Associate sex offender therapist.

(3) To qualify as a certified clinical sex offender therapist, the applicant must:

(a) Be in compliance with applicable provisions and rules adopted by the agency;

(b) Have at least a master's degree in the behavioral sciences;

(c) Have an active Oregon mental health professional license or equivalent license as determined by the agency;

(d) Within not less than three years nor more than six years prior to application, have had a minimum of 2,000 hours of direct clinical contact with sex offenders, including:

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

(B) 500 hours of evaluations; and

(e) Have a minimum of 60 hours of formal training applicable to sex offender treatment and evaluation, achieved within the three years prior to application.

(4) To qualify as a certified associate sex offender therapist, the applicant must:

(a) Be in compliance with applicable provisions and rules adopted by the agency;

(b) Have at least a bachelor's degree in the behavioral sciences;

(c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

(d) Have a minimum of 30 hours of formal training applicable to sex offender treatment and evaluation, achieved within the three years prior to application; and

(e) Be under the direct supervision of a certified clinical sex offender therapist.

(5) Upon receipt of an application for renewal submitted by the applicant, the agency may renew the certification of a clinical sex offender therapist or an associate sex offender therapist annually or as otherwise specified by agency rule. The application for renewal shall be considered by the agency to be an application to continue as a certified clinical sex offender therapist or a certified associate sex offender therapist. To renew a certification, the applicant must:

(a) Be in compliance with the provisions of ORS 675.360 to 675.410 and rules adopted by the agency;

(b) Have a minimum of 100 hours of clinical experience during the preceding year, 50 of which shall be direct clinical contact with sex offenders;

(c) Have completed a minimum of 15 hours continuing education in the field of sex

offender treatment during the preceding year; and

(d) Satisfy any additional requirements adopted by the board.

(6) The agency shall adopt by rule requirements for late renewal of a certification, reactivation of an expired certification or reinstatement of a certification that has been expired for more than three consecutive years. [2007 c.841 §4; 2009 c.701 §5]

**Note:** See note under 675.360.

**675.380 Reciprocal certification.** Upon receipt of an application and the appropriate fees under ORS 675.375, the Oregon Health Licensing Agency shall certify a clinical sex offender therapist or associate sex offender therapist if the applicant provides evidence to the satisfaction of the agency that the applicant is recognized as a clinical sex offender therapist or associate sex offender therapist in another state in which the requirements for such recognition are, in the judgment of the agency, in consultation with the Sex Offender Treatment Board, at least equivalent to the requirements of ORS 675.360 to 675.410 and rules of the agency. [2007 c.841 §5]

**Note:** See note under 675.360.

**675.385 Disciplinary authority of Oregon Health Licensing Agency; grounds for discipline; authorized sanctions.** (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direction of the Sex Offender Treatment Board, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any certified sex offender therapist for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 675.360 to 675.410, or the rules adopted thereunder.

(2) The agency may impose disciplinary sanctions against a certified sex offender therapist for any of the following reasons:

(a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that brings into question the person's competence or integrity as a certified sex offender therapist.

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

(c) The person has violated ORS 675.370 (3) to (5), or any rules adopted by the agency pertaining to certification.

(d) The person has failed to file or has filed a false, misleading or incomplete professional disclosure statement with the agency.

(e) The person has practiced beyond the scope of the person's agency-issued certification. [2007 c.841 §6]

**Note:** See note under 675.360.

**675.390 Confidentiality of communication by clients; exceptions.** A certified sex offender therapist, or any employee of a certified sex offender therapist, may not disclose any communication made by a client during the course of noninvestigatory professional treatment or rehabilitation, except:

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

(2) When the client initiates legal action or makes a complaint against a sex offender therapist to the Sex Offender Treatment Board;

(3) When the communication reveals the intent to commit a crime harmful to the client or others;

(4) When the communication reveals that a minor may have been a victim of a crime or physical, sexual or emotional abuse or neglect; or

(5) To juvenile and adult parole and probation officers supervising the client under a mandated sex offender treatment condition imposed by a court or releasing authority. [2007 c.841 §9]

**Note:** See note under 675.360.

**(State Board)**

**675.395 Sex Offender Treatment Board.** (1) The Sex Offender Treatment Board is established within the Oregon Health Licensing Agency. The board shall consist of seven members appointed by the Governor from lists of recommended persons submitted as provided in subsection (2) of this section. All members of the board must be residents of this state.

(2) Of the members appointed to the board:

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

(b) Two shall be from a list submitted by the Oregon Adolescent Sex Offender Treatment Network;

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

(d) One shall be from a list submitted by the Oregon Juvenile Department Directors Association; and

(e) One shall be from a list submitted by a victims' advocacy organization.

(3) The term of office of each member is four years, but a member serves at the

pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

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

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

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

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

(8) A board member appointed under this section who is also a clinical sex offender therapist or associate sex offender therapist must satisfy all requirements for certification provided in ORS 675.375 and must obtain certification within 12 months of the member's appointment. [2007 c.841 §7; 2009 c.701 §6]

**Note:** See note under 675.360.

**675.400 Duties of board.** The Sex Offender Treatment Board shall:

(1) Determine the qualifications and fitness of applicants for certification as clinical sex offender therapists or associate sex offender therapists under ORS 675.360 to 675.380.

(2) Establish standards of practice and professional responsibility for persons certified by the Oregon Health Licensing Agency.

(3) Adopt standards for training and continuing education required under ORS 675.360 to 675.380, including but not limited to training related to the treatment of distinct sex offender populations, including adults, juveniles, persons with developmental disabilities and others.

(4) Advise the agency on all matters related to administering ORS 675.360 to 675.410 and recommend rules, standards and guidelines necessary for the administration of ORS 675.360 to 675.380. [2007 c.841 §8]

**Note:** See note under 675.360.

**675.405 Fees; rules.** (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees and charges related to certified sex offender therapists.

(2) All moneys received by the agency under subsection (1) of this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as authorized by ORS 676.625.

(3) In addition to the fees and charges established under subsection (1) of this section, the agency may assess fees and charges for providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering documents or records. [2007 c.841 §10; 2009 c.701 §7]

**Note:** See note under 675.360.

**675.410 Duties of Oregon Health Licensing Agency under ORS 675.360 to 675.410.** (1) The Oregon Health Licensing Agency shall:

(a) Issue certifications to persons determined by the agency to be qualified.

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

(c) Maintain a registry of all current certified sex offender therapists. The registry shall be made available to the public online.

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

(e) In consultation with the Sex Offender Treatment Board, create a multidisciplinary advisory committee within the board. Persons who are not board members may be appointed as nonvoting members to serve on the multidisciplinary advisory committee with the approval of the board.

(2) The agency may:

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

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

(c) In consultation with the Sex Offender Treatment Board, create any committees within the board as deemed necessary. Persons who are not board members may be appointed as nonvoting members to serve on the committees with the approval of the board. [2007 c.841 §12; 2009 c.697 §2]

**Note:** The amendments to 675.410 by section 2, chapter 697, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009. The text that is operative until July 1, 2010, is set forth for the user's convenience.

**675.410.** (1) The Oregon Health Licensing Agency shall:

(a) Issue certifications to persons determined by the agency to be qualified.

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

(c) Maintain a registry of all current certified sex offender therapists. The registry shall be made available to the public online.

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

(e) Approve or sanction programs for impaired professionals to assist any certified sex offender therapist to regain or retain certification and shall impose the requirement of participation in the program as a condition to reissuance or retention of certification.

(f) In consultation with the Sex Offender Treatment Board, create a multidisciplinary advisory committee within the board. Persons who are not board members may be appointed as nonvoting members to serve on the multidisciplinary advisory committee with the approval of the board.

(2) The agency may:

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

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

(c) In consultation with the Sex Offender Treatment Board, create any committees within the board as deemed necessary. Persons who are not board members may be appointed as nonvoting members to serve on the committees with the approval of the board.

**Note:** See note under 675.360.

## REGULATED SOCIAL WORKERS

### (Generally)

**675.510 Definitions for ORS 675.510 to 675.600.** As used in ORS 675.510 to 675.600, unless the context requires otherwise:

(1) "Authorization to practice regulated social work" means a certificate or license issued by the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

(2) "Clinical social work" means the professional practice of applying principles and methods with individuals, couples, families, children and groups, which include, but are not restricted to:

(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

(b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

(d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

(f) Supervising, administering or teaching clinical social work practice.

(3) "Regulated social worker" means a clinical social work associate certified under ORS 675.537 or a clinical social worker licensed under ORS 675.530.

(4) "Unprofessional conduct" includes, but is not limited to, any conduct or practice contrary to recognized standards of ethics of the social work profession or any conduct that constitutes or might constitute a danger to the health or safety of a client or the public or in any other manner fails or might fail to adhere to the recognized standards of the profession. [1977 c.677 §1; 1979 c.769 §1; 1989 c.721 §25; 1997 c.381 §1; 2009 c.442 §1; 2009 c.697 §15; 2009 c.756 §88]

**Note:** The amendments to 675.510 by section 16, chapter 697, Oregon Laws 2009, and section 88a, chapter 756, Oregon Laws 2009, become operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009. The text that is operative on and after January 1, 2011, is set forth for the user's convenience.

**675.510.** As used in ORS 675.510 to 675.600, unless the context requires otherwise:

(1) "Authorization to practice regulated social work" means a certificate or license issued by the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

(2) "Clinical social work" means the professional practice of applying principles and methods with individuals, couples, families, children and groups, which include, but are not restricted to:

(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

(b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

(d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

(f) Supervising, administering or teaching clinical social work practice.

(3) "Regulated social worker" means a baccalaureate social worker registered under ORS 675.532, a master's social worker licensed under ORS 675.533, a

clinical social work associate certified under ORS 675.537 or a clinical social worker licensed under ORS 675.530.

(4) "Unprofessional conduct" includes, but is not limited to, any conduct or practice contrary to recognized standards of ethics of the social work profession or any conduct that constitutes or might constitute a danger to the health or safety of a client or the public or in any other manner fails or might fail to adhere to the recognized standards of the profession.

**675.520 Use of title prohibited without license; exceptions.** (1) A person may not use any title, words or abbreviations, including the title "social worker," that indicate that the person has an authorization to practice regulated social work unless the person is a regulated social worker.

(2) Subsection (1) of this section does not prohibit the use of the educational designations "Bachelor of Social Work" or "Master's of Social Work" by a person who is not a regulated social worker. [1977 c.677 §2; 1987 c.158 §138; 1989 c.721 §26; 2009 c.442 §3]

**675.523 License or certification required to practice clinical social work; exceptions.** A person may not practice clinical social work unless the person is a clinical social worker licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537, except if the person is:

(1) Licensed or certified by the State of Oregon to provide mental health services, provided that the person is acting within the lawful scope of practice for the person's license or certification and does not represent that the person is a regulated social worker;

(2) Certified to provide alcohol and drug abuse prevention services, intervention services and treatment in compliance with rules adopted by the Director of Human Services under ORS 409.410 (2)(f) and 409.420 (1), provided that the person is acting within the lawful scope of practice for the person's certification and does not represent that the person is a regulated social worker;

(3) Employed by or contracting with an entity that is certified or licensed by the State of Oregon under ORS 430.610 to 430.695 to provide mental health treatment or addiction services, provided that the person is practicing within the lawful scope of the person's employment or contract;

(4) A recognized member of the clergy, provided that the person is acting in the person's ministerial capacity and does not represent that the person is a regulated social worker; or

(5) A student in a social work graduate degree program that meets the requirements established by the State Board of Licensed Social Workers by rule. [2009 c.442 §4a]

**Note:** 675.523 becomes operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009.

**(Licensing)**

**675.530 License; qualifications; rules.** (1) If an applicant for initial licensure as a clinical social worker has complied with the requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall issue a license to the applicant.

(2) An applicant for licensure as a clinical social worker shall submit evidence satisfactory to the board that the applicant:

(a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(b) Holds a master's degree in social work from a college or university accredited by an accrediting organization recognized by the board;

(c) Has completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the board;

(d) Has satisfactorily completed the requirements for certificate of clinical social work associate; and

(e) If required under ORS 675.535, has passed the written examination for licensure as a clinical social worker.

(3) The board shall adopt rules relating to the clinical experience required under subsection (2)(c) of this section after consultation with persons active in the field of clinical social work. The rules may allow for including experience obtained in the course of the study of social work as part of the clinical experience required under subsection (2)(c) of this section. [1977 c.677 §4; 1979 c.769 §3; 1989 c.721 §28; 1997 c.381 §2; 2009 c.442 §8]

**Note:** The amendments to 675.530 by section 9, chapter 442, Oregon Laws 2009, become operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009. The text that is operative on and after January 1, 2011, is set forth for the user's convenience.

**675.530.** (1) If an applicant for initial licensure as a clinical social worker has complied with the requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall issue a license to the applicant.

(2) An applicant for licensure as a clinical social worker shall submit evidence satisfactory to the board that the applicant:

(a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(b) Holds a master's degree in social work from a college or university accredited by an accrediting organization recognized by the board;

(c) Has completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the board;

(d) Holds a certificate of clinical social work associate issued under ORS 675.537 before January 1, 2011, or holds a valid master's social worker license issued under ORS 675.533; and

(e) If required under ORS 675.535, has passed the written examination for licensure as a clinical social worker.

(3) The board shall adopt rules relating to the clinical experience required under subsection (2)(c) of this section after consultation with persons active in the field of clinical social work. The rules may allow for including experience obtained in the course of the study of social work as part of the clinical experience required under subsection (2)(c) of this section.

**675.532 Baccalaureate social worker registration.** (1) If an applicant for initial registration as a baccalaureate social worker has complied with the requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall register the applicant as a baccalaureate social worker. Upon registration, the board shall issue notice of the registration to the applicant.

(2) An applicant for registration as a baccalaureate social worker shall submit evidence satisfactory to the board that the applicant:

(a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(b) Holds a bachelor's degree in social work from a college or university accredited by an accrediting organization recognized by the board; and

(c) If required under ORS 675.535, has passed the written examination for registration as a baccalaureate social worker. [2009 c.442 §6]

**Note:** 675.532 becomes operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009.

**675.533 Master's social worker license.** (1) If an applicant for initial licensure as a master's social worker has complied with the requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall issue a license to the applicant.

(2) An applicant for licensure as a master's social worker shall submit evidence satisfactory to the board that the applicant:

(a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(b) Holds a master's degree in social work from a college or university accredited by an accrediting organization recognized by the board; and

(c) If required under ORS 675.535, has passed the written examination for licensure as a master's social worker. [2009 c.442 §7]

**Note:** 675.533 becomes operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009.

**675.535 Examination; rules.** (1) The State Board of Licensed Social Workers may adopt rules to establish written examination requirements for:

(a) Baccalaureate social worker registration;

(b) Master's social worker licensing; or

(c) Clinical social worker licensing.

(2) The rules adopted by the board under this section shall specify the subjects on which an applicant may be examined, how the written examination is to be administered and the scoring or evaluation process used to determine whether an applicant has passed the examination. The board shall provide a copy of the rules to an applicant at least 30 days prior to any examination.

(3) Examinations for authorizations to practice regulated social work conducted under ORS 675.510 to 675.600 shall be held at least once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(4) Upon written request to the board, any applicant may discuss the applicant's performance on the examination with the board.

(5) Any applicant who fails to attain a passing grade on the examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1989 c.721 §31; 2009 c.442 §10]

**675.537 Certification as clinical social work associate; requirements.** (1) If an applicant for initial certification as a clinical social work associate has complied with the requirements of this section and has paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall certify the applicant. Upon certification, the board shall issue a certificate to the applicant.

(2) An applicant for certification as a clinical social work associate shall submit evidence satisfactory to the board that the applicant:

(a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(b) Holds a master's degree in social work from a college or university accredited

by an accrediting organization recognized by the board; and

(c) Has developed a plan approved by the board for completion of practice and supervision requirements as defined by the rules of the board. [1989 c.721 §30; 1997 c.381 §3; 2009 c.442 §11]

**675.540 Grounds for disciplinary action; authorized sanctions and penalties; investigation.** (1) The State Board of Licensed Social Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of ORS chapter 183 relating to a contested case, that a regulated social worker:

(a) Has been convicted in this or any other state of a crime that is a felony in this state;

(b) Has been convicted of a felony in a federal court;

(c) Is unable to perform the practice of social work by reason of physical illness;

(d) Has an impairment as defined in ORS 676.303;

(e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social work; or

(f) Has violated any provision of ORS 675.510 to 675.600 or any rule adopted under ORS 675.600.

(2) Pursuant to the provisions of subsection (1) of this section, the board may:

(a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work issued under ORS 675.510 to 675.600.

(b) Place a regulated social worker on probation and impose conditions or limits on the scope of practice of a regulated social worker.

(c) Impose a civil penalty not to exceed $3,000 for each violation.

(3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to practice regulated social work does not deprive the board of jurisdiction to proceed with any investigation of, or any action or disciplinary proceedings against, the regulated social worker.

(4) Information that the board obtains as part of an investigation into the conduct of a regulated social worker or an applicant for an authorization to practice regulated social work or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of a regulated social worker or applicant, is confidential as provided under ORS 676.175.

(5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty in an amount up to $5,000 upon proof that, after a person's authorization to practice regulated social work has been revoked by the board, the person has:

(a) Engaged in the practice of clinical social work; or

(b) Represented that the person is a regulated social worker. [1977 c.677 §6; 1979 c.769 §5; 1985 c.52 §4; 1989 c.721 §32; 1997 c.381 §4; 1997 c.791 §14; 2009 c.442 §12; 2009 c.756 §13]

**675.545 Effect of revocation of authorization.** To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of social work, a regulated social worker whose authorization to practice regulated social work has been revoked by the State Board of Licensed Social Workers may not:

(1) Engage in or offer to engage in the practice of clinical social work.

(2) Represent that the person is a regulated social worker by using any title, words or abbreviations that indicate that the person has an authorization to practice regulated social work. [2009 c.442 §5]

**675.550 Reissuance of authorization to practice.** If the State Board of Licensed Social Workers has revoked or refused to reissue or renew an authorization to practice regulated social work, the board may reissue the authorization after one year from the date of the revocation or the date the reissuance or renewal was refused. [1977 c.677 §7; 1979 c.769 §6; 1989 c.721 §33; 2009 c.442 §13]

**675.560 When authorization to practice effective; rules; renewal.** (1) An authorization to practice regulated social work granted by the State Board of Licensed Social Workers under ORS 675.510 to 675.600 is effective when the authorization is issued by the board.

(2) An authorization to practice regulated social work granted by the board expires on the date established by the board by rule.

(3) The board shall adopt rules setting forth requirements for renewal of a baccalaureate social worker registration and renewal of a master's social worker license.

(4) A clinical social work associate certified by the board under ORS 675.537 may renew the certification by:

(a) Payment of the renewal fee established under ORS 675.571; and

(b) Submission of a sworn statement by the associate, on a form provided by the board, that demonstrates to the board's satisfaction that satisfactory progress is being

made toward completion of the associate's adopted supervisory plan.

(5) A clinical social worker licensed under ORS 675.530 may renew the license by:

(a) Payment of the renewal fee established under ORS 675.571; and

(b) Submission of a sworn statement by the applicant, on a form provided by the board, that the applicant:

(A) Has completed applicable continuing education requirements established by the board under ORS 675.565; and

(B) Is unaware of any reason for denial of the renewal. [1977 c.677 §9; 1979 c.769 §8; 1989 c.721 §34; 2005 c.36 §1; 2009 c.442 §14]

**675.565 Continuing education; rules.** (1) The State Board of Licensed Social Workers may establish by rule continuing education requirements for the renewal of authorizations to practice regulated social work.

(2) The board may require applicants for renewal of authorization to practice regulated social work to submit evidence of completion of continuing education requirements as a condition of renewal in order to ensure the highest quality of professional services to the public. [1989 c.721 §39; 2009 c.442 §15]

**675.570** [1977 c.677 §8; 1979 c.769 §7; 1985 c.52 §5; repealed by 1989 c.721 §35 (675.571 enacted in lieu of 675.570)]

**675.571 Fees; authorization; uses.** (1) The State Board of Licensed Social Workers shall collect fees for:

(a) Examination and reexamination.

(b) An initial authorization to practice regulated social work.

(c) Renewal of an authorization to practice regulated social work.

(d) Delinquent renewal of an authorization to practice regulated social work.

(2) Fees collected under subsection (1) of this section shall be deposited in the State Board of Licensed Social Workers Account established under ORS 675.597 and shall be used to defray the expenses of the board.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section may not exceed the cost of administering the regulatory program pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the budget of the State Board of Licensed Social Workers, as the budget may be modified by the Emergency Board.

(4) The State Board of Licensed Social Workers may impose a delinquent renewal fee for an authorization to practice regulated social work if the application for renewal is not filed and accepted by the renewal date established by the board by rule, but is filed and accepted within 30 days of the renewal date. An authorization to practice regulated social work is lapsed if an application for renewal is not filed and accepted within 30 days of the renewal date.

(5) Fees collected under this section are nonrefundable. [1989 c.721 §36 (enacted in lieu of 675.570); 1991 c.703 §20; 1993 c.8 §1; 2005 c.22 §477; 2005 c.36 §2; 2009 c.442 §16]

**675.580 Confidentiality of communication by client; exceptions.** (1) A regulated social worker or any employee of the regulated social worker may not disclose any communication given by a client in the course of noninvestigatory professional activity when the communication was given to enable the regulated social worker to aid the client, except when:

(a) The client or a person legally responsible for the client's affairs gives consent to the disclosure;

(b) The client initiates legal action or makes a complaint against the regulated social worker to the State Board of Licensed Social Workers;

(c) The board requests the information as part of an investigation or proceeding;

(d) The communication reveals a clear intent to commit a crime that reasonably is expected to result in physical injury to a person;

(e) The communication reveals that a minor was the victim of a crime, abuse or neglect;

(f) Disclosure of the communication is necessary to obtain further professional assistance for the client; or

(g) Disclosure of the communication is otherwise required by ORS 124.060, 419B.010 or 430.765.

(2) Nothing in this section is intended to prevent a regulated social worker who is a public employee from disclosing communications from a client when the disclosure is made in the performance of the regulated social worker's duty as a public employee and the public employer has determined that the disclosure is necessary in the performance of the duty of the regulated social worker as a public employee. [1977 c.677 §10; 1979 c.769 §9; 1989 c.721 §37; 1997 c.381 §5; 2009 c.442 §17]

**675.583 Duty to report evidence of impairment or unprofessional or prohibited conduct; confidentiality of information; limitation of liability.** (1) Unless state or federal laws relating to confidentiality or the protection of health information prohibit dis-

closure, a regulated social worker shall report to the State Board of Licensed Social Workers any information the regulated social worker has that appears to show that a regulated social worker is or may be an impaired professional as defined in ORS 676.185, or may have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements of ORS 675.580.

(2) A regulated social worker shall report any prohibited conduct as defined in ORS 676.150 in the manner provided in ORS 676.150.

(3) Notwithstanding ORS 676.175, any information that the board obtains pursuant to subsection (1) of this section is confidential and may not be disclosed except as provided by the board by rule.

(4) A person who reports or provides information to the board under subsection (1) of this section in good faith is not subject to an action for civil damages as a result of reporting or providing information to the board. [1989 c.721 §40; 1997 c.381 §6; 1997 c.791 §15a; 2007 c.70 §299; 2009 c.442 §18; 2009 c.536 §38; 2009 c.697 §19; 2009 c.756 §§89a,89b]

**Note:** The amendments to 675.583 by section 19, chapter 697, Oregon Laws 2009, and section 89b, chapter 756, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009, and section 89c, chapter 756, Oregon Laws 2009. The text that is operative until July 1, 2010, including amendments by section 18, chapter 442, Oregon Laws 2009, section 38, chapter 536, Oregon Laws 2009, and section 89a, chapter 756, Oregon Laws 2009, is set forth for the user's convenience.

**675.583.** (1) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a regulated social worker shall report to the State Board of Licensed Social Workers any information the regulated social worker has that appears to show that a regulated social worker has or may have a physical illness that makes the regulated social worker unable to practice, or may have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements of ORS 675.580.

(2) A regulated social worker shall report any prohibited conduct as defined in ORS 676.150 in the manner provided in ORS 676.150.

(3) Notwithstanding ORS 676.175, any information that the board obtains pursuant to subsection (1) of this section is confidential and may not be disclosed except as provided by the board by rule.

(4) A person who reports or provides information to the board under subsection (1) of this section in good faith is not subject to an action for civil damages as a result thereof.

**675.585 Investigation of alleged violations; confidentiality of information; limitation of liability.** (1) Upon complaint of any person, or upon its own initiative, the State Board of Licensed Social Workers may investigate any alleged violation of ORS 675.510 to 675.600.

(2) Any information that the board obtains pursuant to subsection (1) of this section is confidential as provided under ORS 676.175 and is not admissible in judicial proceedings, other than judicial review as provided for under ORS 183.480, until the board votes to take final action.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith is not subject to an action for civil damages as a result thereof.

(4) In addition to any other privilege or immunity provided by law, members of the board, members of its administrative and investigative staff, agents of the board and attorneys acting for the board as prosecutors or counsel have the same privileges and immunities from civil, administrative and criminal proceedings arising by reason of official actions as prosecuting and judicial officers of the state.

(5) A person who has made a complaint to the board or who has given information or testimony relative to a proposed or pending proceeding before the board is not answerable for any such act in any proceeding except for perjury. [1985 c.52 §9; 1989 c.721 §38; 1997 c.381 §7; 1997 c.791 §16a; 2009 c.442 §19]

**(State Board)**

**675.590 State Board of Licensed Social Workers.** (1) There is established a State Board of Licensed Social Workers. The board shall consist of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Four members shall be clinical social workers licensed under ORS 675.530; and

(b) Three members must be members of the public who have demonstrated an interest in the field of clinical social work and who are not:

(A) Regulated social workers; or

(B) A spouse, domestic partner, child, parent or sibling of a regulated social worker.

(2)(a) Board members required to be clinical social workers licensed under ORS 675.530 may be appointed from a list of three to five nominees for each vacancy, submitted by any professional organization that represents clinical social workers.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year.

(b) Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a clinical social worker licensed under ORS 675.530 or a retired clinical social worker who was a clinical social worker licensed under ORS 675.530 in good standing at the time of retirement, if the board member was appointed to serve on the board as a clinical social worker licensed under ORS 675.530.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of duties at a rate that is greater than the rate provided in ORS 292.495. [1979 c.769 §2; 1985 c.52 §6; 1989 c.69 §1; 1989 c.721 §41; 2001 c.459 §1; 2009 c.535 §§3,39]

**675.595 General powers of board; fees.** In addition to the powers otherwise granted under ORS 675.510 to 675.600, the State Board of Licensed Social Workers shall have the following powers:

(1) To determine the qualifications of applicants to practice social work in this state.

(2) To cause to have examinations prepared, conducted and graded.

(3) To grant authorizations to practice regulated social work to qualified applicants upon their compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.

(4) To grant or deny renewal of authorizations to practice regulated social work.

(5) To suspend or revoke authorizations to practice regulated social work.

(6) To issue letters of reprimand.

(7) To impose probationary periods with the authority to restrict the scope of practice of a regulated social worker.

(8) To require that a regulated social worker:

(a) Practice under supervision;

(b) Obtain additional training in social work; or

(c) Undergo psychological, physical or psychiatric assessment, enter into and remain in any prescribed treatment program and disclose the results of the treatment program to the board.

(9) To impose civil penalties as provided in ORS 675.540.

(10) To restore authorizations to practice regulated social work that have been suspended, revoked or voided by nonpayment of the renewal fee.

(11) To collect fees for application, examination and reexamination of applicants for initial authorizations to practice regulated social work as provided in ORS 675.571.

(12) To collect fees for renewal of authorizations to practice regulated social work as provided in ORS 675.671.

(13) To collect delinquent renewal fees as provided in ORS 675.571 (4).

(14) To investigate alleged violations of ORS 675.510 to 675.600.

(15) To 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.

(16) To enforce ORS 675.510 to 675.600 and exercise general supervision over the practice of social work in this state.

(17) To adopt a common seal.

(18) To formulate and enforce a code of professional conduct for the practice of social work giving particular consideration to the code of ethics.

(19) To formulate and enforce continuing education requirements for regulated social workers to ensure the highest quality of professional services to the public.

(20) To take such other disciplinary action as the board in its discretion finds proper, including but not limited to assessment of the costs of the disciplinary process.

(21) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, to require the fingerprints of a person who is:

(a) Applying for an authorization to practice regulated social work;

(b) Applying for renewal of an authorization to practice regulated social work; or

(c) Under investigation by the board. [1989 c.721 §43; 1995 c.79 §340; 1997 c.381 §8; 2003 c.14 §430; 2005 c.730 §72; 2009 c.442 §21]

**675.597 State Board of Licensed Social Workers Account.** The State Board of Licensed Social Workers Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the State Board of Licensed Social Workers Account shall be credited to the account. Moneys in the account are continuously appropriated to the board for the administration and enforcement of ORS 675.510 to 675.600. [2001 c.459 §2; 2009 c.442 §22]

**675.600 Duties of board; rules.** The State Board of Licensed Social Workers shall:

(1) Pursuant to ORS chapter 183, adopt rules necessary to carry out the provisions of ORS 675.510 to 675.600.

(2) Publish annually a list of the names and addresses of all persons who have been authorized to practice regulated social work.

(3) Establish a voluntary arbitration procedure that may be invoked with the consent of clients and regulated social workers whereby disputes between clients and workers may be resolved.

(4) Report to the Legislative Assembly on its activities regarding authorizations to practice regulated social work during the preceding biennium. [1977 c.677 §5; 1979 c.769 §4; 1985 c.52 §7; 1989 c.721 §42; 2009 c.442 §23; 2009 c.697 §20; 2009 c.756 §§91,91b,91c]

**Note:** The amendments to 675.600 by section 20, chapter 697, Oregon Laws 2009, and sections 91b and 91c, chapter 756, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009, and section 91d, chapter 756, Oregon Laws 2009. The text that is operative until July 1, 2010, including amendments by section 23, chapter 442, Oregon Laws 2009, and section 91, chapter 756, Oregon Laws 2009, is set forth for the user's convenience.

**675.600.** (1) The State Board of Licensed Social Workers shall:

(a) Pursuant to ORS chapter 183, make rules necessary to carry out the provisions of ORS 675.510 to 675.600.

(b) Publish annually a list of the names and addresses of all persons who have been authorized to practice regulated social work.

(c) Establish a program for regulated social workers who have an impairment as defined in ORS 676.303 or who are unable to practice due to physical illness, to assist regulated social workers to regain or retain their authorizations to practice regulated social work and impose the requirement of participation as a condition to reissuance or retention of the authorization.

(d) Establish a voluntary arbitration procedure that may be invoked with the consent of clients and regulated social workers whereby disputes between clients and workers may be resolved.

(e) Report to the Legislative Assembly on its activities regarding authorizations to practice regulated social work during the preceding biennium.

(2) Any information obtained by the board as part of the program for regulated social workers who have an impairment is confidential and may not be disclosed except as provided by the board by rule.

**675.610** [1977 c.677 §15; 1979 c.769 §11; repealed by 1985 c.52 §2]

## LICENSED PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

### (Generally)

**675.705 Definitions for ORS 675.715 to 675.835.** 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) "Licensed marriage and family therapist" means a person to whom a license has been issued under ORS 675.715.

(3) "Licensed professional counselor" means a person issued a license under ORS 675.715.

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

(5)(a) "Marriage and family therapy" means the assessment, diagnosis and treatment of mental, emotional and behavioral disorders within the context of marriage and family systems involving the application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples and families.

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

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

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

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

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

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

(6)(a) "Professional counseling" means the assessment, diagnosis and treatment of mental, emotional and behavioral disorders and the provision of counseling services to address personal growth and wellness, provided through the therapeutic relationship to

individuals, couples, children, families, groups and organizations, based on the principles of mental health, behavioral science including statistical analysis, human growth and development throughout the life span, career development, group dynamics and cultural and social diversity, and using cognitive, affective, behavioral and systemic intervention strategies.

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

(A) Application of counseling theories and techniques designed to assist clients with current or potential problems and to facilitate change in thinking, feeling and behaving;

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

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

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

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

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

(7) "Registered intern" means an applicant for licensure who is registered to obtain post-degree supervised work experience toward licensure according to an approved plan pursuant to ORS 675.720. [1989 c.721 §1; 1993 c.546 §108; 1997 c.269 §3; 1999 c.463 §1; 2001 c.120 §1; 2009 c.549 §4]

**(Licensing)**

**675.715 Application; fee; qualifications; examinations; licensing.** In order to obtain a license as a professional counselor or a marriage and family therapist, an applicant shall make application on a form and in such a manner as the Oregon Board of Licensed Professional Counselors and Therapists prescribes, accompanied by the nonrefundable fee established pursuant to ORS 675.785. The board shall issue a license as a professional counselor or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the board that the applicant meets the following qualifications:

(1) Is not in violation of any of the provisions of ORS 675.715 to 675.835 and the rules adopted by the board.

(2) Has received:

(a) A graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association that includes training in the diagnosis of mental disorders;

(b) A graduate degree in marriage and family therapy in a program approved by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy that includes training in the diagnosis of mental disorders;

(c) A graduate degree, under standards explicitly adopted by the board by rule that is determined by the board to be comparable in both content and quality to a degree approved under paragraph (a) or (b) of this subsection and that includes training in the diagnosis of mental disorders; or

(d) A graduate degree, determined by the board to meet at an acceptable level at least a majority of the board's adopted degree standards and that includes training in the diagnosis of mental disorders, and has completed additional graduate training obtained in a counselor or marriage and family therapy program at an accredited college or university to meet the remainder of the standards.

(3) At the time of application to become a licensed professional counselor, has a minimum of three years of full-time supervised clinical experience, or the equivalent, under a board-approved supervisor in a board-approved setting. One year of the supervised clinical experience may be obtained prior to the granting of the master's degree.

(4) At the time of application to become a licensed marriage and family therapist, has a minimum of three years of full-time clinical work experience with supervision, in accordance with standards established by the board. At least 2,000 hours in the three-year period must be in the practice of marriage and family therapy in the presence of a client.

(5) Demonstrates competence as a professional counselor or marriage and family therapist by passing an examination prescribed by the board as follows:

(a) The examination for professional counselor license must include, but need not be limited to, counseling theory, human growth and development, social and cultural foundations, the helping relationship, group dynamics, lifestyle and career development, appraisal of individuals, research and evalu-

ation, professional orientation, ethics and Oregon law.

(b) The examination for the marriage and family therapist license must include, but need not be limited to, marriage and family therapy theory, systems theory, appraisal of family relationships, normal individual and family development, research and evaluation, professional conduct, ethics and Oregon law.

(6) An application that remains incomplete for one year from the date of the initial submission to the board is considered to have been withdrawn by the applicant. Incomplete applications include, but are not limited to, applications lacking documentation, signatures or the payment of fees required by the board. [1989 c.721 §2; 1993 c.51 §1; 1993 c.546 §109; 1997 c.249 §206; 2001 c.120 §2; 2009 c.549 §14]

**Note:** Sections 13 and 15, chapter 549, Oregon Laws 2009, provide:

**Sec. 13.** (1) A person engaged in professional counseling or marriage and family therapy on the effective date of this 2009 Act [January 1, 2010] who is not licensed under ORS 675.715 to 675.835 or exempted from the provisions of ORS 675.715 to 675.835 by ORS 675.825 may continue to engage in the practice of professional counseling or marriage and family therapy if the person applies on or before January 1, 2011, for:

(a) A license to practice professional counseling or marriage and family therapy; or

(b) A registered internship.

(2) A person may continue to engage in the practice of professional counseling or marriage and family therapy as authorized by subsection (1) of this section until the Oregon Board of Licensed Professional Counselors and Therapists makes a final determination whether to issue a license to the person or to approve the person's request for a registered internship.

(3) Subsection (2) of this section applies to persons who:

(a) Have received a graduate degree;

(b) Have not fulfilled the supervised hours or other educational requirements for licensure as a professional counselor or marriage and family therapist; and

(c) Are otherwise eligible to receive a license or registered internship.

(4)(a) A person practicing professional counseling under this section without a license or registered internship shall provide a written statement to all clients treated by the person that the person is not a licensed professional counselor or registered intern.

(b) A person practicing marriage and family therapy under this section without a license or registered internship shall provide a written statement to all clients treated by the person that the person is not a licensed marriage and family therapist or registered intern.

(5)(a) A person licensed under ORS 675.715 to 675.835 on the effective date of this 2009 Act may not practice professional counseling or marriage and family therapy unless the person has submitted a written attestation to the board that the person has training and experience in the diagnosis of mental disorders.

(b) The board shall randomly audit attestations submitted under paragraph (a) of this subsection. [2009 c.549 §13]

**Sec. 15.** Section 13 of this 2009 Act is repealed on January 2, 2012. [2009 c.549 §15]

**675.720 Internship; registration requirements; renewal; ethical standards.** (1) If an applicant for a license under ORS 675.715 possesses the graduate degree required by ORS 675.715 but has not submitted documentation satisfactory to the Oregon Board of Licensed Professional Counselors and Therapists that the applicant has the required supervised clinical work experience, the applicant must register an internship plan to obtain acceptable post-degree supervised work experience to qualify for a license as a professional counselor or as a marriage and family therapist.

(2) To register as a professional counselor intern or as a marriage and family therapist intern under this section, the applicant shall submit in the form and manner determined by the board:

(a) A request for registration; and

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

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

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

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

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

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

(5) Registered interns are subject to all ethical standards adopted by the board. [1997 c.269 §2; 2001 c.103 §1; 2009 c.549 §5]

**675.725 Annual license; rules; fees; effect of expiration of license.** (1) A license issued under ORS 675.715 to 675.835 is subject to annual renewal.

(2) A licensee seeking renewal of a license shall:

(a) Pay the license renewal fee on or before the renewal date established by the Oregon Board of Licensed Professional Counselors and Therapists by rule;

(b) Provide proof of fulfillment of any requirements of the board for continuing education and supervision;

(c) Submit to the board a sworn statement on a form provided by the board certifying that there is no reason for denial of the license renewal; and

(d) Maintain professional disclosure statements as required by the board by rule.

(3) A licensee may renew a license after the date for license renewal by paying the renewal fee and a late filing fee for license renewal prior to the expiration of the grace period for license renewal established by the board by rule.

(4) A licensee may not continue to practice as a licensed professional counselor or a licensed marriage and family therapist after expiration of the license.

(5) A person whose license has expired may apply to be relicensed as follows:

(a) If the person's previous license has been expired for more than two years, the person must apply and qualify for a new license in the same manner as a person who has never been licensed.

(b) If the person's previous license has been expired for two years or less, the person is not required to meet the degree, experience and examination standards for a person who has never been licensed, but must meet all other requirements for relicensure as the board may establish by rule. An application for relicensure under this subsection must be submitted in the manner required by the board and must be accompanied by the payment of the application fee and one annual renewal fee. [1989 c.721 §5; 1991 c.67 §179; 1999 c.463 §2; 2005 c.40 §1]

**675.735 Reciprocal license.** Upon application therefor accompanied by the appropriate fees established under ORS 675.785, the Oregon Board of Licensed Professional Counselors and Therapists shall grant a license as a professional counselor or marriage and family therapist if the applicant provides evidence to the satisfaction of the board that the applicant is recognized as a professional counselor or marriage and family therapist in another state in which the requirements for such recognition are, in the judgment of the board, at least equivalent to the licensing requirements of ORS 675.715 to 675.835 and rules of the board. [1989 c.721 §6; 1993 c.546 §110]

**675.745 Grounds for denial, suspension or revocation of license or refusal to issue license; probation; confidentiality of information; penalties.** (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny, suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon proof that the applicant for licensure or the licensee:

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

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

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

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

(e) Has violated one or more of the rules of the board pertaining to the licensure of professional counselors or licensed marriage and family therapists;

(f) Has failed to file a professional disclosure statement or has filed a false, incomplete or misleading professional disclosure statement;

(g) Has practiced outside the scope of activities, including administering, constructing or interpreting tests or diagnosing or treating mental disorders, for which the licensee has individual training and qualification; or

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

(2)(a) The board may reprimand or impose probation on a licensee or a registered intern upon proof of any of the grounds for discipline provided in subsection (1) of this section.

(b) If the board elects to place a licensee or a registered intern on probation, the board may impose:

(A) Restrictions on the scope of practice of the licensee or intern;

(B) Requirements for specific training;

(C) Supervision of the practice of the licensee or intern; or

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

(3) The board may initiate action against persons violating any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

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

(5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than $2,500 for each violation of or failure to observe any limitation or condition imposed by the board on the licensee's or registered in-

tern's practice under subsection (2) of this section.

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

(7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may take such disciplinary action as the board in its discretion finds proper, including but not limited to the assessment of the costs of the disciplinary process. [1989 c.721 §15; 1991 c.67 §180; 1993 c.56 §1; 1997 c.791 §17; 1999 c.463 §3; 2001 c.120 §3; 2009 c.549 §8; 2009 c.756 §17]

**(Disclosure and Confidentiality)**

**675.755 Professional disclosure statement required; content; exemptions; rules.** (1) Except as provided in subsection (6) of this section, prior to the performance of professional counseling or marriage and family therapy, the licensee must furnish the client with a copy of a professional disclosure statement. If the licensee fails to provide the statement, the licensee shall not charge a client a fee for services.

(2) A professional disclosure statement shall include the following information regarding the applicant or licensee:

(a) Name, business address and telephone number;

(b) Philosophy and approach to counseling or marriage and family therapy;

(c) Formal education and training;

(d) Continuing education and supervision requirements; and

(e) Fee schedules.

(3) The statement must include the name, address and telephone number of the Oregon Board of Licensed Professional Counselors and Therapists.

(4) An applicant shall submit a professional disclosure statement for board approval upon application for a license.

(5) Whenever an applicant or licensee makes a change in the professional disclosure statement, the new statement shall be presented to the board for approval.

(6) The board may adopt by rule exemptions from the requirements of this section. [1989 c.721 §7; 1999 c.463 §4]

**675.765 Confidentiality of information; exceptions.** A licensee or any employee of the licensee shall not disclose any communication given the licensee by a client in the course of noninvestigatory professional activity when such communication was given to enable the licensee to aid the client, except:

(1) When the client or those persons legally responsible for the affairs of the client give consent to the disclosure;

(2) When the client initiates legal action or makes a complaint against the licensed professional counselor or licensed marriage and family therapist to the Oregon Board of Licensed Professional Counselors and Therapists;

(3) When the communication reveals the intent to commit a crime or harmful act;

(4) When the communication reveals that a minor is or is suspected to be the victim of a crime, abuse or neglect; or

(5) When responding to an inquiry by the board made during the course of an investigation into the conduct of the licensee under ORS 676.165 to 676.180. [1989 c.721 §8; 2001 c.120 §4]

**(State Board)**

**675.775 Oregon Board of Licensed Professional Counselors and Therapists.** (1) The Oregon Board of Licensed Professional Counselors and Therapists is established. The board consists of eight members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Three must be licensed as professional counselors under ORS 675.715;

(b) Two must be licensed as marriage and family therapists under ORS 675.715;

(c) One must be from the faculty of a school within this state that has programs to train persons to become professional counselors or marriage and family therapists; and

(d) Two must be members of the public who have demonstrated an interest in the fields of professional counseling and marriage and family therapy but who are not a:

(A) Licensed professional counselor or marriage and family therapist; or

(B) Spouse, domestic partner, child, parent or sibling of a licensee.

(2)(a) Board members required to be licensees may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by any professional organization representing licensees.

(b) In selecting the members of the board, the Governor shall strive to balance the representation according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year.

(b) By October 1 of each year, the Governor shall appoint persons to fill positions on the board that are due to become vacant on October 1 of that year. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a licensee or a retired licensee whose license was in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensee.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [1989 c.721 §10; 2001 c.120 §5; 2009 c.535 §4]

**675.785 Powers and duties of board; rules; fees.** The Oregon Board of Licensed Professional Counselors and Therapists has the following powers:

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

(2) Subject to any applicable provisions of the State Personnel Relations Law, the board may appoint, prescribe the duties and fix the compensation of employees of the board necessary to carry out the duties of the board.

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

(a) License application.

(b) First issuance of a license.

(c) Renewal of a license.

(d) Late filing of a license renewal.

(e) Renewal of registration as an intern.

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

(4) The board shall:

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

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

(5) The board shall:

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

(b) Establish procedures to review the complaints of clients of licensees of the board. Upon receipt of a complaint under ORS 675.715 to 675.835 against any licensed or unlicensed person, the board shall conduct an investigation as described under ORS 676.165.

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

(7) The board shall form standards committees to establish, examine and pass on the qualifications of applicants to practice professional counseling or marriage and family therapy in this state. The standards committee for professional counselors shall be made up of the professional counselors on the board, the faculty member and the public member. The standards committee for marriage and family therapists shall be made up of the marriage and family members of the board, the faculty member and the public member.

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

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

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

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

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

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

(14) The standards committee shall establish standards and requirements for continuing education and supervision, as appropriate.

(15) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the board may require the fingerprints of a person who is:

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

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

(c) Under investigation by the board. [1989 c.721 §14; 1991 c.703 §21; 1993 c.546 §111; 1997 c.269 §4; 1997 c.791 §18; 1999 c.463 §5; 2001 c.120 §6; 2005 c.730 §73; 2007 c.70 §300; 2009 c.697 §6; 2009 c.756 §19]

**Note:** The amendments to 675.785 by section 6, chapter 697, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009. The text that is operative until July 1, 2010, including amendments by section 19, chapter 756, Oregon Laws 2009, is set forth for the user's convenience.

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

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

(2) Subject to any applicable provisions of the State Personnel Relations Law, the board may appoint, prescribe the duties and fix the compensation of employees of the board necessary to carry out the duties of the board.

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

(a) License application.

(b) First issuance of a license.

(c) Renewal of a license.

(d) Late filing of a license renewal.

(e) Renewal of registration as an intern.

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

(4) The board shall:

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

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

(5) The board shall:

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

(b) Establish procedures to review the complaints of clients of licensees of the board. Upon receipt of a complaint under ORS 675.715 to 675.835 against any licensed or unlicensed person, the board shall conduct an investigation as described under ORS 676.165.

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

(7) The board shall form standards committees to establish, examine and pass on the qualifications of applicants to practice professional counseling or marriage and family therapy in this state. The standards committee for professional counselors shall be made up of the professional counselors on the board, the faculty member and the public member. The standards committee for marriage and family therapists shall be made up of the marriage and family members of the board, the faculty member and the public member.

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

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

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

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

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

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

(14) The standards committee shall establish standards and requirements for continuing education and supervision, as appropriate.

(15) The board shall establish a program for licensees whose ability to perform professional counseling is impaired to assist those licensees in regaining or retaining their licensure and shall impose the requirement of participation as a condition to reissuance or retention of the license.

(16) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the board may require the fingerprints of a person who is:

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

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

(c) Under investigation by the board.

**675.795 Board meeting; quorum; per diem; officers.** (1) The Oregon Board of Licensed Professional Counselors and Therapists shall meet at least once a year at a place, time and hour determined by the board. The board also shall meet at other times and places specified when called by the chair of the board or by a majority of the members of the board.

(2) A majority of the members of the board constitutes a quorum. A majority of the members present may take action on behalf of the board unless a different number is provided in the rules of the board.

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

(4) At the first meeting of each year, the Oregon Board of Licensed Professional Counselors and Therapists shall select from its members a chair and vice chair. Each officer shall have a term of one year with duties and powers the board determines necessary for the performance of the functions the board assigns to the officer.

(5) In the event that the position of any officer becomes vacant, the board shall elect from its members a replacement at its next meeting to serve the unexpired term. [1989 c.721 §§12,13]

**675.805 Use of moneys received by board.** All moneys received by the Oregon Board of Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon Board of Licensed Professional Counselors and Therapists Account, which is hereby established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 675.715 to 675.835. [1989 c.721 §17; 1993 c.546 §112; 2001 c.120 §7]

**(Miscellaneous)**

**675.810 Authorized practice names.** A licensee shall practice under one of the following names:

(1) The name of the licensee.

(2) An assumed business name or other designation that describes a place, institution, organization or agency where or in connection with which the licensee conducts practice. [2009 c.549 §7]

**675.815 Duty to report prohibited conduct.** Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct shall report the prohibited conduct as defined in ORS 676.150 in the manner provided in ORS 676.150. [2009 c.536 §6]

**(Enforcement)**

**675.825 Prohibited practices; exceptions; civil penalty.** (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 intern 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 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 (2); or

(b) Does not practice:

(A) Marriage and family therapy as defined in ORS 675.705 (5)(a); or

(B) Professional counseling as defined in ORS 675.705 (6)(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. [1989 c.721 §18; 1993 c.546 §113; 2009 c.442 §24; 2009 c.549 §9]

**Note:** See note under 675.715.

**675.835 Injunctive proceedings.** (1) The Oregon Board of Licensed Professional Counselors and Therapists may commence injunction proceedings in any circuit court to enjoin violation of ORS 675.825.

(2) In proceedings under this section, the board need not show that any person is injured by the person against whom the injunction is sought.

(3)(a) If the person against whom an injunction is sought under this section is found by the court to have unlawfully used the title "licensed professional counselor" or "licensed marriage and family therapist," a court may grant an injunction barring the person from using the title.

(b) If the person against whom an injunction is sought under this section is found by the court to have unlawfully engaged in the practice of professional counseling or marriage and family therapy, a court may grant an injunction barring the person from engaging in the unlawful practice.

(4) An injunction under this section is in addition to any other remedies or penalties provided by law. [1989 c.721 §16; 2009 c.549 §10]

## PENALTIES

**675.990 Penalties.** (1)(a) Violation of any provision of ORS 675.010 to 675.150 is a Class C misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, violation of ORS 675.020 is a Class A misdemeanor.

(2) Violation of any provision of ORS 675.220 is a Class B misdemeanor.

(3) The following shall be Class C misdemeanors:

(a) Any violation of ORS 675.520;

(b) Obtaining or attempting to obtain or renew an authorization to practice regulated social work by bribery or fraudulent representation;

(c) Knowingly making a false statement in connection with any application for an authorization to practice regulated social work under ORS 675.510 to 675.600; or

(d) Knowingly making a false statement on any form adopted by the State Board of Licensed Social Workers in accordance with ORS 675.510 to 675.600, or the rules adopted under ORS 675.510 to 675.600. [1963 c.396 §18; 1973 c.777 §18; subsection (2) enacted as 1977 c.858 §18; subsection (3) enacted as 1977 c.677 §11; 1979 c.769 §10; 1989 c.721 §44; subsection (1)(b) of 1995 Edition enacted as 1995 c.810 §4; 2009 c.442 §25]

**675.992 Civil penalty for prohibited practices by persons without authorization to practice regulated social work.** Subject to the provisions of ORS chapter 183 relating to a contested case, the State Board of Licensed Social Workers may impose a civil penalty of up to $3,000 upon proof that a person who is not a regulated social worker has:

(1) Represented that the person is a regulated social worker; or

(2) Used the title "social worker" or any title, words or abbreviations that indicate that the person has an authorization to practice regulated social work in violation of ORS 675.520. [2009 c.442 §12b]

**Note:** 675.992 becomes operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009.

**Note:** 675.992 and 675.994 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 675 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**675.994 Civil penalty for practice of clinical social work without license or certification.** Subject to the provisions of ORS chapter 183 relating to a contested case, the State Board of Licensed Social Workers may impose a civil penalty of up to $5,000 upon proof that a person who is not a clinical social worker licensed under ORS

675.530 or a clinical social work associate certified under ORS 675.537 has:

(1) Engaged in the practice of clinical social work, unless the person is permitted to practice clinical social work under ORS 675.523; or

(2) Represented that the person is a clinical social worker or clinical social work associate. [2009 c.442 §12a]

**Note:** 675.994 becomes operative January 1, 2011. See section 50, chapter 442, Oregon Laws 2009, as amended by section 17, chapter 697, Oregon Laws 2009, and section 88b, chapter 756, Oregon Laws 2009.

**Note:** See second note under 675.992.