

Chapter 675

1991 EDITION

Psychologists; Occupational Therapists; Clinical Social Workers; Licensed Professional Counselors and Marriage and Family Therapists

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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) "Accredited college or university" means any college or university that is accredited at the doctoral level by a United States regional accrediting association or has met equivalent standards, as determined by the board by rule, for other accreditation or for authorization or licensure by a state or foreign country, offering a full-time resident graduate program of study in psychology leading to the doctoral degree.

(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 the rendering or offering to render to individuals, groups, organizations or the public any psychological service while representing oneself to be a psychologist, involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationship; and the methods and procedures of interviewing, counseling, psychotherapy and hypnosis; of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions and motivation. The application of such principles and methods includes, but is not limited to, the diagnosis, prevention, treatment and amelioration of psychological problems and emotional and mental disorders of individuals and groups. Also, the offering for a fee of teaching, consultation, psychotherapy, psychodiagnostic and research services in relation to the use or development of psychological principles of such services.

(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]

675.020 Representation as psychologist prohibited without licensing; 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, purport to be a psychologist without first being licensed as required in ORS 675.010 to 675.150.

(2) A person purports to be a psychologist when the person uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import, "psychometry," "psychometrics," "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," "psychoanalyst," or variants thereof or when the person purports to be trained, experienced or an expert in the field 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]

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; fee; resident designation. (1) Upon application therefor accompanied by the established fee, the board shall issue a psychologist license to any applicant who performs to the satisfaction of the board in the written and oral examination 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 or a doctoral degree considered equivalent by the board, such degree or training having been obtained from an accredited college or university as defined in ORS 675.010;

(c) 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

(d) 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 con-

duct 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 psychologist 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]

675.040 Examinations for licensing. (1) Examinations for applicants for licenses under ORS 675.010 to 675.150 shall be held not less frequently than 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 examination with the board.

(3) Any applicant who fails to make 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. [1963 c.396 §4; 1973 c.777 §6]

675.045 Rules for examination. (1) The board shall adopt rules stating the subject on which an applicant may be examined, how the written and oral examination is to be administered and the scoring or evaluation process used to determine whether an applicant has passed the oral or written examination. The board shall provide a copy of these rules to an applicant at least 30 days prior to any examination.

(2)(a) In advance of each oral examination, the board or its delegates shall determine the questions on which an applicant may be examined and shall agree upon the acceptable range of responses to each question or follow-up question. Each applicant taking the oral examination on a particular date shall be examined from the list of questions agreed on by the board.

(b) Each applicant taking the oral examination shall be examined on knowledge and application of Oregon law, ethical principles and psychological principles and techniques. [1985 c.90 §6]

675.050 Licensing without examination; fee. (1) Upon application therefor accompanied by the established fee, the board

may issue a license, without written examination, to any applicant who furnishes evidence satisfactory to the board that the applicant:

(a) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; 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; or

(b) Is a diplomat in good standing of the American Board of Professional Psychology.

(2) The board shall administer an oral examination to any person described in subsection (1) of this section. [1963 c.396 §5; 1973 c.777 §7; 1985 c.90 §4; 1991 c.320 §1]

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 board 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 and 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 months' period. [1973 c.777 §15; 1987 c.56 §1]

675.065 Psychologist associate licensing procedure. (1) Psychologist associate licenses shall be issued 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 shall be specified on the psychologist associate license issued by the board and may include but are not restricted to such functions as administering tests of mental abilities, conducting personality assessment, counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license in a single area of qualification. An additional fee shall be submitted for amendment of the license to include each additional area of qualification.

(3) Upon petition by a psychology 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 written and

oral examination 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, or a degree considered equivalent thereto by the board, from an accredited college or university as defined in ORS 675.010;
- (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]

675.070 Authorized sanctions; grounds for imposing sanctions. (1) Where any of the grounds enumerated in subsection (2) of this section exist, the board 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 not to exceed \$1,000.

(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) Abuses intoxicants or controlled substances to such an extent as to incapacitate the person from the performance of professional duties;

(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 which constitutes a danger to the health or safety of a patient or the public, or any conduct, practice or condition which impairs 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) Is mentally or emotionally unfit to practice psychology;

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

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

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

(i) 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

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

(3) 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.

(4) The board may license an applicant or renew or restore any license suspended or revoked under paragraph (e) of subsection (2) of this section whenever the board determines that the applicant or former licensed psychologist or former psychologist associate

is no longer mentally or emotionally unfit to practice psychology.

(5) 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]

675.075 Confidentiality of information under ORS 675.070. (1) Any information provided to the State Board of Psychologist Examiners under ORS 675.070 is confidential and shall not be subject to public disclosure or admissible in evidence in any judicial proceeding.

(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]

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

675.085 Disciplinary procedure. (1) 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 183.310 to 183.550. The board shall render its decision within 30 days after the hearing.

(2) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §117; 1973 c.777 §11; 1985 c.90 §8]

675.090 Application of ORS 675.010 to 675.150. ORS 675.010 to 675.150 does not apply to:

(1) Any person teaching, lecturing or engaging in research in psychology but only insofar as such activities are performed as part of an academic position in a college or university.

(2) Any person who has received a doctoral degree in sociology or social psychology from an accredited college or university and uses the title "social psychologist" provided that such person files a statement of use of that title with the board and complies with subsection (9) of this section.

(3) Any person who holds a valid school psychologist credential from the Teacher Standards and Practices Commission but only when such person is practicing psychology in the course of employment and complies with subsection (9) of this section.

(4) Any person licensed to practice one or more of the other healing arts in the State of Oregon so long as the person does not apply either of the specific terms of "psychologist" or "psychometrist" to that person's practice.

(5) Psychological activities and services by a person employed by a local, state or federal governmental agency insofar as such

activities and services are a part of the employment of the person and are performed within the confines of the employing agency provided that the person complies with subsection (9) of this section.

(6) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facility recognized by the State Board of Psychologist Examiners and providing that no fee is paid directly to the student, intern or resident and that the person is designated by the title "psychological intern," "psychological trainee," "psychology student," or some other title which clearly indicates training status.

(7) Any person engaged in psychological activities and employed by an Oregon nonprofit corporation whose primary purpose or function involves education or scientific research and which holds a valid exemption from federal income taxes under section 501 (c) (3) of the Internal Revenue Code of 1954.

(8) Qualified members of other legally recognized professions such as lawyers, dentists, optometrists, social workers, nurses or clergymen when engaging in psychological activities or services incidental to their profession who comply with subsection (9) of this section.

(9) Persons described in subsections (2), (3), (5) and (8) of this section shall not represent or hold themselves out to the public outside their professional work setting by any title or description of activities used in ORS 675.020 (2) nor shall they hold themselves out to be trained, experienced or expert in psychology. [1963 c.396 §10; 1971 c.362 §2; 1973 c.777 §8; 1985 c.90 §9; 1989 c.491 §66; 1991 c.67 §178]

(State Board)

675.100 State Board of Psychologist Examiners; confirmation; oath; compensation and expenses. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven members appointed by the Governor. Five of the members shall be residents of Oregon, have doctoral degrees with primary emphasis in psychology and shall be licensed under ORS 675.010 to 675.150. Two members shall be residents of Oregon and shall serve as public members.

(2) The term of office of a board member shall be three years, but the members shall serve at the pleasure of the Governor. 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 shall be eligible for one consecutive reappointment only. In case of a vacancy for any cause, the Governor shall make an ap-

pointment to become immediately effective for the unexpired term.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(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. [1963 c.396 §11; 1969 c.314 §77; 1973 c.777 §9a; 1973 c.792 §32]

675.110 Powers of board; fees. The board 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 annual 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 annual 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 January 1 but before February 1.

(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 insure the highest quality of professional services to the public.

(15) Subject to the applicable provisions of ORS 183.310 to 183.550, 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;]

675.115 How fees determined. Subject to prior approval of the Executive Department 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 board 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 secretary. (1) The board shall select one of its members as chairman, and another as vice chairman, 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 chairman, or of a majority of the members of the board or of the Governor.

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

(5) The board 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.

(6) The board may appoint an executive secretary who shall not be a member of the board. The board shall fix the compensation for the executive secretary. [1963 c.396 §14; 1973 c.777 §14; 1983 c.740 §249]

675.140 State Board of Psychologist Examiners Account; appropriation. On or before the 10th day of each month, the board 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]

675.150 Enforcement procedures. The board 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)

Note: Section 9, chapter 685, Oregon Laws 1983, provides:

Sec. 9. ORS 675.210, 675.220, 675.230, 675.240, 675.250, 675.260, 675.270, 675.280, 675.290, 675.300, 675.310, 675.320, 675.330 and 675.340 are repealed effective June 30, 1994.

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, psycho-social 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, or with the consultation 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]

675.220 Representation as occupational therapist or therapy assistant prohibited without licensing; 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 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 does 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 board, upon such form and in such manner as shall be provided for by the board. Each application shall include or be accompanied by evidence, under oath or affirmation 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]

675.240 Qualifications for licensing as occupational therapist. (1) Except as provided in subsection (2) of this section or in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall:

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

(b) Pass to the satisfaction of the board an examination conducted or 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.

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

(2) An applicant who has practiced as an occupational therapy assistant for four years, with a minimum of six months of supervised field experience, may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapist made otherwise applicable under subsection (1) of this section. [1977 c.858 §5; 1981 c.250 §3]

675.250 Qualifications for licensing as occupational therapy assistant. 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 board.

(3) Pass an examination conducted or 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. [1977 c.858 §6; 1981 c.250 §4]

675.260 Examinations for licensing; fee. (1) Unless entitled to licensing as provided for in ORS 675.270, each applicant for licensing as an occupational therapist or occupational therapy assistant shall include in the application a request for examination. Each applicant who requests an examination shall pay to the board at the time of filing the application a fee not to exceed \$175.

(2) The board shall examine applicants for licensing as occupational therapist or occupational therapy assistant at such times or places as it may determine, but at least semiannually.

(3) Such application shall be made in writing at least 30 days prior to the announced date of examination, upon a form and in such manner as the board shall prescribe. A person who fails an examination may make reapplication for examination, accompanied by the prescribed fee.

(4) Each applicant for licensure shall be examined in written examination to test the knowledge of the applicant of the basic and clinical sciences relating to occupational therapy and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. [1977 c.858 §7; 1981 c.250 §5; 1989 c.338 §1]

675.270 Licensing without examination; fee. (1) The 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 American Occupational Therapy Association; 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 which requires standards for licensure considered by the 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 not to exceed \$75 to the board at the time of filing an application under this section. [1977 c.858 §8; 1981 c.250 §6; 1989 c.338 §2]

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. The board shall license any person who meets the requirements of ORS 675.210 to 675.340 upon payment of a license fee not to exceed \$75. 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]

675.290 License renewal procedure; delinquent fee. Each licensed occupational therapist or occupational therapy assistant shall apply to the board prior to the expiration of a license of each year for a renewal of a license. Each applicant for renewal of a license shall pay the board at the time of the filing of an application therefor a fee not to exceed \$85. Any license that is not renewed before June 1 of each year 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 plus all past unpaid renewal fees. However, no such late renewal of a license may be granted more than three years after its expiration. [1977 c.858 §10; 1981 c.250 §8; 1989 c.338 §4]

675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license. (1) The board may deny or refuse to renew a license, or may suspend or revoke 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, rule adopted by the board which 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 been adjudged mentally incompetent by a court of competent jurisdiction.

(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 183.310 to 183.550.

(4) Judicial review of orders under subsection (3) of this section shall be in accordance with ORS 183.310 to 183.550. [1977 c.858 §§13, 14, 15]

(State Board)

675.310 Occupational Therapy Licensing Board; appointment; qualifications; nomination procedure; confirmation; compensation and expenses; term. (1) There is created in the Health Division the Occupational Therapy Licensing Board. It shall be composed of five members, appointed by the Governor, three of whom shall be licensed occupational therapists in this state with no less than three years of experience in occupational therapy immediately preceding their appointment, and two of whom shall be members of the consuming public. Board members required to be occupational therapists may be selected by the Governor from a list of no less than eight nominees submitted by the Occupational Therapy Association of Oregon. However, one member of the board may be a licensed occupational therapy assistant.

(2) All appointments to the board by the Governor are subject to Senate confirmation as required by ORS 171.562 and 171.565.

(3) Members are entitled to compensation and expenses as provided in ORS 292.495.

(4) Members shall serve a term of four years and may not serve more than two consecutive terms. [1977 c.858 §11]

675.320 Powers of board. The 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 president and secretary, each of whom shall hold office for one year or until the election and qualification of a successor.

(2) To appoint an executive secretary to perform such duties as the board shall prescribe, and whose compensation shall be fixed by the board subject to ORS 240.245.

(3) 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, expenses for the conduct of examinations, investigations, and such other expenditures as provided for in ORS 675.210 to 675.340.

(4) To conduct or supervise examinations for applicants pursuant to ORS 675.210 to 675.340 and the standards established by the board.

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

(6) To restore licenses which have been suspended, revoked or voided.

(7) To recommend fees for license examinations, initial application for licensure and renewal application for licensure.

(8) To collect license applications and renewal fees.

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

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

(11) To make and enforce rules in accordance with ORS 183.310 to 183.550 for the procedure of the board, for the conduct of examinations, for regulating the practice of occupational therapy not inconsistent with the provisions of ORS 675.210 to 675.340.

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

(13) 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.

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

(15) To establish minimum requirements for supervised field work necessary for applicants under ORS 675.240 or 675.250. [1977 c.858 §12; 1981 c.250 §9; 1989 c.338 §5]

675.330 Use of moneys received by board. (1) All moneys received by the Health Division under ORS 675.210 to 675.340 shall be deposited into the General Fund in the State Treasury and placed to the credit of the Health Division, and such moneys hereby appropriated continuously and shall be used only for the administration and enforcement of ORS 675.210 to 675.340 and 675.990 (2).

(2) All civil penalties collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 and 675.990 (2) shall be paid into the General Fund of the State Treasury and placed to the credit of the Health Division Account, and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 675.210 to 675.340 and 675.990 (2).

(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]

(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.

(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]

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 183.090.

(3) All penalties recovered under this section shall be paid into the General Fund of the State Treasury and credited to the Health Division Account, and such moneys are appropriated continuously and shall be used only for the administration and en-

enforcement of ORS 675.210 to 675.340. [1991 c.734 §112; 1991 c.791 §2]

675.337 Establishing schedule of civil penalties. (1) After public hearing, the 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 secretary, under the direction of the board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2). [1977 c.858 §17]

CLINICAL 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) "Board" means the State Board of Clinical Social Workers.

(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) "Clinical social work associate" means a person who holds a master's or doctoral degree from an accredited college or university accredited by the Council on Social Work Education whose plan of practice and supervision has been approved by the board, and who is working toward licensure in accordance with ORS 675.510 to 675.600 and rules adopted by the board.

(4) "Division" means the Health Division of the Department of Human Resources.

(5) "Licensed clinical social worker" means a person licensed under the provisions of ORS 675.510 to 675.600 to practice clinical social work. [1977 c.677 §1; 1979 c.769 §1; 1989 c.721 §25]

675.520 Use of title prohibited without registration. After July 1, 1990, no person shall use the title or purport to be a "licensed clinical social worker" or use any other title that includes those words unless the person is licensed in accordance with the provisions of ORS 675.510 to 675.600. [1977 c.677 §2; 1987 c.158 §138; 1989 c.721 §26]

(Licensing)

675.530 License; qualifications. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a license to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education;

(3) 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. The rules shall be developed after consultation with persons active in the field of clinical social work and may take into account experience which may be gained in the course of the study of social work;

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

(5) Has performed to the satisfaction of the board in the written examination prescribed by the board. [1977 c.677 §4; 1979 c.769 §3; 1989 c.721 §28]

675.535 Examination. (1) The State Board of Clinical Social Workers shall adopt rules stating the subject 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 these rules to an applicant at least 30 days prior to any examination.

(2) Examinations for applicants for licenses under ORS 675.510 to 675.600 shall be held not less frequently than once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

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

(4) 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]

675.537 Certificate of social work associate. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a certificate of clinical social work associate to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education; and

(3) 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]

675.540 Grounds for disciplinary action; authorized sanctions. (1) The State Board of Clinical 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 183.310 to 183.550 relating to a contested case, that a person:

(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 clinical social work by reason of mental illness, physical illness, or alcohol or other drug abuse;

(d) Has been grossly negligent in the practice of clinical social work;

(e) Has violated one or more of the rules of the board pertaining to the certification or licensing of clinical social workers; or

(f) Has failed to comply with ORS 675.585.

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

(a) Deny, suspend, revoke or refuse to renew any certificate or license issued under ORS 675.510 to 675.600.

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

(c) Impose a civil penalty of not to exceed \$1,000. [1977 c.677 §6; 1979 c.769 §5; 1985 c.52 §4; 1989 c.721 §32]

675.550 Board may reissue revoked certificate or license. In case a certificate or license has been revoked or the renewal thereof refused, the State Board of Clinical Social Workers may reissue such certificate or license at the expiration of one year from the time it was revoked. [1977 c.677 §7; 1979 c.769 §6; 1989 c.721 §33]

675.560 When certificate or license effective; renewal; continuing education. (1) Associate certification or licensure shall be effective when an associate certificate or license is issued by the board.

(2) Associate certification or licensure shall expire on the last day of the calendar year in which the certificate or license has been issued.

(3) Renewal of associate certification may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the associate, on a form provided by the board, which demonstrates to the board's satisfaction that satisfactory progress is be-

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

(4) Renewal of a license may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the applicant, on a form provided by the board, that insures that the applicant has been actively engaged in clinical social work during the license period and has completed the applicable continuing education requirements and that there exists no reason for denial of the renewal. [1977 c.677 §9; 1979 c.769 §8; 1989 c.721 §34]

675.565 Continuing education. The State Board of Clinical Social Workers shall require evidence of continuing education as a requirement for renewal of licensure in order to insure the highest quality of professional services to the public. [1989 c.721 §39]

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; sources; uses. (1) The State Board of Clinical Social Workers shall collect fees for application for certification, annual renewal of certification, examination, reexamination, licensure, annual renewal of licensure and delinquent renewal fees.

(2) Such fees are to be used to defray the expenses of the board and are continuously appropriated for that purpose.

(3) Subject to prior approval of the Executive Department and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board 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 Clinical Social Workers, as the budget may be modified by the Emergency Board.

(4) The board may impose a delinquent renewal fee for certificates and licenses renewed after January 1 but before February 1. However, the board shall not treat any certificate or license as lapsed unless it is not renewed by June 30, but applications received on or after February 1 are subject to an additional delinquent fee.

(5) All fees collected under this section are nonrefundable. [1989 c.721 §36 (enacted in lieu of 675.570); 1991 c.703 §20]

675.580 Confidentiality of communication by client; exceptions. (1) A licensed clinical social worker, a certified clinical social work associate or any employees of the licensed clinical social worker shall not disclose any communication given by a client in the course of noninvestigatory professional activity when such communication was given

to enable the licensed clinical social worker to aid the client, except:

(a) When the client or those persons legally responsible for the client's affairs give consent to the disclosure;

(b) When the client initiates legal action or makes a complaint against the licensed clinical social worker to the board;

(c) When the communication reveals a clear intent to commit a crime which reasonably is expected to result in physical injury to a person;

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

(e) When disclosure of the communication is necessary to obtain further professional assistance for the client.

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

675.583 Duty to report evidence of impairment or unprofessional conduct; confidentiality of report; limitation on liability. (1) A licensed clinical social worker shall report to the State Board of Clinical Social Workers any information the licensed clinical social worker has which appears to show that a licensed clinical social worker is or may be impaired, or may be guilty of unprofessional conduct according to the guidelines of the code of ethics, where such reporting does not conflict with the requirements of ORS 675.580.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

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

(4) As used in this section:

(a) An "impaired clinical social worker" is a person unable to perform the practice of clinical social work by reason of mental illness, physical illness or alcohol or other drug abuse.

(b) "Unprofessional conduct" is behavior by a licensed clinical social worker which is

in violation of the code of ethics. [1989 c.721 §40]

675.585 Duty to report incompetence or unprofessional conduct; confidentiality of report; limitation of liability. (1) A certified or licensed clinical social worker shall report to the board any information the person may have which appears to show that a certified or licensed clinical social worker is or may be professionally incompetent or is or may be guilty of unprofessional conduct.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.52 §9; 1989 c.721 §38]

(State Board)

675.590 State Board of Clinical Social Workers; term; qualifications. (1) There is established a State Board of Clinical Social Workers within the Health Division.

(2) The Governor shall appoint seven members to the board, consisting of members as specified in subsection (4) of this section.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. 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 one consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The composition of the board shall be as follows:

(a) Four members shall be licensed clinical social workers who are licensed in accordance with the provisions of ORS 675.510 to 675.600; and

(b) Three members shall be public citizens who have demonstrated an interest in the field of clinical social work.

(5) Members are entitled to compensation and expenses as provided in ORS 292.495. [1979 c.769 §2; 1985 c.52 §6; 1989 c.69 §1; 1989 c.721 §41]

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

(1) To determine the qualifications of applicants to practice clinical social work in this state; to cause to have examinations prepared, conducted and graded and to grant

certificates or licenses to qualified applicants upon their compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.

(2) To grant or deny annual renewal of certificates or licenses and to renew certificates and licenses which have lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.510 to 675.600.

(3) To suspend or revoke certificates or licenses, subject to ORS 675.510 to 675.600.

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

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

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

(7)(a) To collect annual fees for application, examination and certification or licensing of applicants, for renewal of certificates and licenses, and for issuance of limited certificates, such fees to be used to defray the expenses of the board as provided in ORS 675.571; and

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

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

(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 675.510 to 675.600 and exercise general supervision over the practice of clinical social work in this state.

(11) To adopt a common seal.

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

(13) To formulate and enforce continuing education requirements for licensed clinical social workers to insure the highest quality of professional services to the public. [1989 c.721 §43]

675.600 Duties of board. (1) The State Board of Clinical Social Workers shall:

(a) Pursuant to ORS 183.310 to 183.550, 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

certified or licensed under ORS 675.510 to 675.600;

(c) Establish a program for impaired clinical social workers to assist licensed clinical social workers to regain or retain their certification or licensure and impose the requirement of participation as a condition to reissuance or retention of the certificate or license;

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

(e) Report to the Legislative Assembly on its activities regarding the certification or licensure of clinical social workers during the preceding biennium.

(2) The board may appoint an administrator who shall not be a member of the board. The board shall fix the compensation for the administrator. [1977 c.677 §5; 1979 c.769 §4; 1985 c.52 §7; 1989 c.721 §42]

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 418.740 and 675.715 to 675.835:

(1) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "Licensed marriage and family therapist" means a person to whom a license has been issued under ORS 675.715.

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

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

(6) "Marriage and family therapy" means the identification and treatment of cognitive, affective and behavioral conditions as symptoms of marital and familial relational dysfunctions. "Marriage and family therapy" involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, marital pairs and families.

(7) "Professional counseling" means counseling services provided to individuals, couples, families, children, groups, organiza-

tions or the general public through the therapeutic relationship, developing understanding of personal problems, defining goals and planning action reflecting interests, abilities, aptitudes and needs as these relate to problems and concerns in personal, social, educational, rehabilitation and career adjustments. "Professional counseling" includes, 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) Research activities including reporting, designing, conducting or consulting on research in counseling with human subjects.

(c) Referral activities including the referral to other specialists.

(d) Consulting activities which apply counseling procedures and interpersonal skills to provide assistance in solving problems that a client may have in relation to an individual, group or organization. [1989 c.721 §1]

(Licensure)

675.715 Application; fee; qualifications; examinations; licensure. 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 board prescribes, accompanied by the nonrefundable fee established under ORS 675.785. The Oregon Board of Licensed Professional Counselors and Therapists 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 418.740 and 675.715 to 675.835 and the rules adopted by the board.

(2) Has received a graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Association for Counseling and Development, a 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, under standards explicitly adopted by the board, or has received a degree determined by the board under rule to be comparable in both content and quality.

(3) At the time of application to become a licensed professional counselor, has a minimum of three years of full-time supervised experience, or the equivalent, under a board-

approved supervisor in a board-approved setting. One year of the supervised experience may be obtained prior to the granting of the master's degree. This subsection shall become effective two years after October 3, 1989.

(4) At the time of application to become a licensed marriage and family therapist, has a minimum of three calendar 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 shall include, but not be limited to, counseling theory, human growth and development, social and cultural foundations, the helping relationship, group dynamics, life-style and career development, appraisal of individuals, research and evaluation, professional orientation, ethics and Oregon law.

(b) The examination for the marriage and family therapist license shall include, but 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. [1989 c.721 §2]

675.725 Annual license; fees; effect of expiration of license. (1) A license issued under ORS 675.715 to 675.835 is a one-year license. Payment of the annual license fee shall be made on or before April 1 of each year. A charge of not more than \$50 shall be made if the annual license fee is more than 30 days delinquent.

(2) A licensee may renew a license by:

(a) Paying the license renewal fee within 30 days after the renewal date;

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

(c) Submitting 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.

(3) A licensee whose license expires under the provisions of subsection (1) of this section must qualify for a license in the same manner as a person who has not previously been licensed.

(4) A licensee who holds a license issued under ORS 675.715 may continue to practice under an expired license for a period of 30 days after expiration without being in violation of ORS 675.715. [1989 c.721 §5; 1991 c.67 §179]

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 418.740 and 675.715 to 675.835 and rules of the board. [1989 c.721 §6]

675.745 Grounds for denial, suspension or revocation of license or refusal to issue license. (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 licensee:

(a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state, 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 mental illness, physical illness, drug addiction or alcohol abuse;

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

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

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

(f) Has practiced outside the scope of activities, including administering, constructing or interpreting tests, for which the licensee has individual training and qualification.

(2) The board may initiate action against persons violating this section or ORS 675.755, 675.765 or 675.825. [1989 c.721 §15; 1991 c.67 §180]

(Disclosure; Confidentiality)

675.755 Professional disclosure statement required; content. (1) 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. [1989 c.721 §7]

675.765 Confidentiality of information; exception. A licensee or any employees 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; or

(4) When the communication reveals that a minor is or is suspected to be the victim of a crime, abuse or neglect. [1989 c.721 §8]

(State Board)

675.775 Oregon Board of Licensed Professional Counselors and Therapists; members; appointment; term. (1) The Oregon Board of Licensed Professional Counselors and Therapists is created in the Health Division of the Department of Human Resources.

(2) The board shall consist of seven members who shall be appointed by the Governor.

(3) In selecting the members of the board, the Governor shall strive to balance the representation according to geographic areas of this state, gender, age and ethnic group.

(4) The board shall consist of:

(a) Three members who are persons licensed as professional counselors under ORS 675.715;

(b) Two members who are persons licensed as marriage and family therapists under ORS 675.715;

(c) One member 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) One member from the public who has demonstrated an interest in the fields of professional counseling and marriage and family therapy.

(5) State-wide counselor and marriage and family therapist organizations may recommend names of qualified persons to the Governor at the time for filling vacancies on the board.

(6) The term of office of each member is three years, but a member serves at the pleasure of the Governor. 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 one consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. [1989 c.721 §10]

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

(1) In accordance with the applicable provisions of ORS 183.310 to 183.550, 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 an administrator and other employees of the board necessary to carry out the duties of the board.

(3) The board shall collect from each applicant fees set by the board by rule. The board may charge nonrefundable fees for the following but shall not exceed the described maximum:

(a) The fee for license application shall not exceed \$100.

(b) The fee for first issuance of a license shall not exceed \$100.

(c) A renewal fee for a license shall not exceed \$100.

(d) A late filing fee for a license renewal shall not exceed \$50.

(e) Fees for examinations which shall not exceed the costs incurred in administering the particular examination. Fees established under this subsection are subject to prior approval of the Executive Department 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 establish procedures to review the complaints of clients of licensees of the board.

(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 418.740 and 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 418.740 and 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 418.740 and 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 418.740 and 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. The standards and requirements shall be in effect July 1, 1992.

(15) The board shall establish a program for impaired professionals to assist licensed professional counselors and licensed marriage and family therapists to regain or retain their licensure and impose the requirement of participation as a condition to reissuance or retention of the license. [1989 c.721 §14; 1991 c.703 §21]

675.795 Board meeting; quorum; per diem; chair and vice-chair. (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 Health Division under ORS 418.740 and 675.715 to 675.835 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account, and such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 418.740 and 675.715 to 675.835. [1989 c.721 §17]

675.825 Prohibited conduct; civil penalty. (1) No person shall:

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

(b) Purport to the public to be engaged in the practice of professional counseling under the title "licensed professional counselor" unless the person possesses a valid license to practice professional counseling as provided in ORS 418.740 and 675.715 to 675.835.

(c) 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 possesses a valid license to practice marriage and family therapy as provided in ORS 418.740 and 675.715 to 675.835.

(2) Nothing in ORS 418.740 and 675.715 to 675.835 is intended to limit or prevent the practice of an individual's profession or to restrict a person from providing counseling services or marriage and family therapy if the person or individual does not represent to the public by title that the person or individual is a licensed professional counselor or licensed marriage and family therapist. The prohibition on the use of the title marriage and family therapist does not apply to a registered or licensed clinical social worker or licensed psychologist whose regis-

tration or license was issued prior to October 1, 1991.

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

(4) The Oregon Board of Licensed Professional Counselors and Therapists may levy a civil penalty not to exceed \$1,000 for each separate violation. [1989 c.721 §18]

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) 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 such practice.

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

PENALTIES

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

(2) On and after July 1, 1978, 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 a certificate or license, or renewal thereof, by bribery or fraudulent representation;

(c) Knowingly making a false statement in connection with any application under ORS 675.510 to 675.600; or

(d) Knowingly making a false statement on any form adopted by the board 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]