

LC 10800/001- Counselor Educational Exemption

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nature if the person’s license to practice as a professional counselor or as a marriage and family therapist has been revoked by the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged in sexual activity with a client.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 (1)(b); or~~

~~—(b) Does not practice offer or render supervision, consultation, evaluation nor therapy services for the purpose of diagnosing or treating behavioral, emotional or mental disorders.;~~

~~—(A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or~~

~~—(B) Professional counseling as defined in ORS 675.705 (7)(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; 2013 c.211 §4]