

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 evaluation, 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 intern'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]