

Oregon Health Licensing Agency / Sex Offender Treatment Board

Oregon Administrative Rules Chapter 331, Divisions 800 - 850

DIVISION 800 GENERAL ADMINISTRATION

331-800-0010

Definitions

The following definitions apply to OAR 331-800-0010 to OAR 331-850-0010:

(1) "*Active certificate*" means a certificate issued when all requirements are met, fees paid and certificate is not expired, suspended or revoked.

(2) "*Affidavit of licensure*" means an original document verifying licensing history and status, issued by the licensing authority in the state which issued the license with an official seal or stamp affixed to the document; it is not the certificate or license form issued which authorizes the holder to practice.

(3) "*Agency*" means the Oregon Health Licensing Agency (OHLA). The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rule making, and record keeping.

(4) "*Authorization*" means the official document, the certificate, issued by the Oregon Health Licensing Agency.

(5) "*Board*" means pursuant to ORS 675.395, the entity that advises the agency in matters relating to the practice of sex offender treatment, including practice standards, education and training requirements, and advises the agency on all disciplinary issues in accordance with ORS 676.612. The Oregon Health Licensing Agency Director controls the regulatory operations and has decision-making authority on all substantive matters.

(6) "*Certified clinical sex offender therapist*" means a person who is certified by the agency to provide services for the treatment and rehabilitation of sex offenders and who may supervise certified associate sex offender therapist; also referred to as "clinical therapist".

(7) "*Certified associate sex offender therapist*" means a person who is certified by the agency to provide services for the treatment and rehabilitation of sex offenders while under the direct supervision of a certified clinical sex offender therapist; also referred to as "associate therapist".

(8) "*Continuing education hours*" means the actual academic classroom or course work time, including but not limited to workshops, symposiums, seminars, excluding personal travel time to and from the training site, registration or check-in periods breaks or lunch periods.

(9) "*Credential*" or its derivative means the process of licensing, registration, certification or the equivalent through which a person is legally recognized by a state agency as lawfully authorized to practice a health profession.

(10) "*Direct supervision*" means a minimum of two hours of supervision by a certified clinical sex offender therapist for each 45 hours of direct clinical contact with a sex offender as specified in ORS 675.365(4).

(11) "*Direct treatment services*" means face-to-face individual, group or family therapy, provided by a clinical or associate therapist, to a client.

(12) "*Director*" means, pursuant to ORS Chapter 676.610, the individual who has sole responsibility for the administrative, fiscal, human resource and regulatory functions of the agency.

(13) "*Ethical*" means conforming to professional standards, as adopted by the Association for the Treatment of Sexual Abusers' Practice Standards (ATSA) and Guidelines adopted in 2005, and Professional Code of Ethics adopted in 2001, regarding professional practices authorized under ORS 675.360 to 675.410 and rules adopted by the agency.

(14) "*Evaluation*" means a comprehensive psychosexual assessment or intake assessment conforming to professional standards as adopted by the Association for Treatment of Sexual Abusers' Practice Standards and Guidelines adopted in 2005, to determine a client's risk to re-offend, identify dynamic risk factors, and develop appropriate treatment and supervision plans. Evaluation includes a written report including, but not limited to the following:

(a) Useful guidance to others, such as the courts, in making decisions affecting a client's future and whether the client's risk can be managed in a community setting;

(b) Comprehensive description of the client's abusive and non-abusive sexual behavior;

(c) Amenability to treatment;

(d) Recommendations regarding the intensity and type of intervention that is required;

(e) Risk management strategies;

(f) Responsiveness to treatment, such as culture, ethnicity, age, IQ, learning style, neuropsychological disorders, personality style, mental and physical disabilities, medication, and motivation.

(15) "*Health care information*" means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of, and relates to the health care of, a patient or client.

(16) "*Informed consent*" means consent obtained following a thorough and easily understood explanation to the client, or the client's guardian, of the proposed treatment plan, any available alternative procedures and any risks associated with the proposed plan. The therapist provides clients with information about the purpose, goals, techniques, procedures, limitations, and consequences of not consenting, the limits of confidentiality, and alternatives to the services offered, potential risks and benefits of services to be performed. Supervisors ascertain the client's ability to understand and utilize the information.

(17) "*Functionally disabled*" means a severe and chronic disability that is attributable to a mental or physical impairment or a combination of physical and mental impairments which result in substantial functional limitations in three or more of the major life activities.

(18) "*Mental health professional*" means a person licensed to practice without supervision in the state of Oregon as a physician, psychiatrist, psychiatric nurse practitioner, psychologist, psychological associate, licensed professional counselor, licensed clinical social worker, or licensed marriage and family therapist, who provides sex offender treatment of adults, juveniles or functionally disabled individuals.

(19) "*Official transcript*" means an original document certified by an accredited educational institution, delivered from the school to the agency by mail or courier, which includes:

- (a) School name and location;
- (b) Student's name, address and date of birth;
- (c) Enrollment and termination dates;
- (d) Hours and types of course work;
- (e) Degree issued;
- (f) School seal or stamp;
- (g) Signature of authorized school representative or registrar.

(20) "*Oregon Health Licensing Agency*" (OHLA) means the agency assigned to carry out the administrative, programmatic and daily operations, and regulatory functions of ORS 676.606.

(21) "*Professional mental health licensing or certification agency*" means the entity charged with the administrative functions and responsibilities for protecting the public through the licensing and regulating of certain professions practiced in Oregon, or in a county, other state, country or territory. The entity has the responsibility for decisions on qualifications, standards of practice, licensing, discipline and other discretionary functions relating to professional activities in the professional licensing boards, councils, or programs; also known as regulatory authority.

(22) "*Reciprocity*" means, according to ORS 675.380, certification, registration or licensure in another state based on standards of training, education and experience that are similar to those required for certification in Oregon as a certified clinical sex offender therapist or a certified associate sex offender therapist as specified in ORS 675.375.

(23) "*Sex offender specific treatment*" means treatment modalities that are based on empirical research with regard to favorable treatment outcomes and are professionally accepted in the field of sex offender treatment of adults, juveniles, and functionally disabled individuals, with sexual behavior problems. Offense specific treatment is a comprehensive set of planned treatment experiences and interventions that modify sexually deviant thoughts, fantasies, and behaviors and that utilize specific strategies to promote change and to reduce the chance of re-offending.

(24) "*Treatment plan*" means an individualized written statement of intended care and services as documented in the evaluation that details how the client's treatment needs will be met while protecting the community during the course of treatment.

Stat. Auth.: ORS 675.410, 676.615

Stat. Implemented: ORS 675.360 through 675.410

Hist.:

331-800-0020

Fees

(1) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application for certification:

(A) Clinical and associate therapist: \$350.

(B) Grandfathering provision – time limited to March 14, 2009: \$650.

(b) Original certificate – one year: \$50.

(c) Application for renewal: \$250.

(d) Renewal certificate –two year: \$50.

(e) Replacement certificate, including name change: \$25.

(f) Delinquency fee: \$25 per month in expired status.

Stat. Auth.: ORS 675.405, 675.410, 676.625

Stat. Implemented: ORS 675.405

Hist:

**DIVISION 810
QUALIFICATIONS AND TRAINING**

331-810-0020

Clinical Sex Offender Therapist Requirements

To qualify for certification as a clinical sex offender therapist, an applicant shall provide satisfactory evidence to the agency that requirements of ORS 675.375(3) have been met regarding education, training, and experience in the evaluation, treatment, and management of individuals who sexually offend, in addition to other requirements specified in this rule. Required documentation includes the following:

- (1) Affidavit of licensure form prescribed by the agency, received from the appropriate Oregon professional mental health licensing or certifying agency, substantiating active status in good standing as a licensed mental health professional defined in OAR 331-800-0010;
- (2) Record of at least 2,000 hours of professional clinical experience, of which 1,000 hours relates to providing direct treatment services as defined in OAR 331-800-0010, within a period of not less than three nor more than six years immediately preceding the date of application.

(3) Record of 500 hours of evaluations as defined in OAR 331-800-0010, that includes but is not limited to the following types of professional activities:

(a) Evaluation experience credit:

- (A) Primary or secondary responsibility for interviewing the client;
- (B) Preparation of the written evaluation report;
- (C) All contact with clients; and
- (D) Preparation of limited assessments for the purpose of:
 - (i) Institution classification;
 - (ii) Treatment monitoring; and
 - (iii) Reporting.

(b) Treatment experience credit:

- (A) Face-to-face treatment hours performed by affiliates under the supervision of certified therapists;
- (B) Time spent as a co-therapist. Both therapists shall have formal responsibility for the group session; and
- (C) Time spent maintaining collateral contacts and written case/progress notes.

(4) Record of 500 hours of professionally related activities, associated with the following type of work:

- (a) At least 340 hours of documented activities, including but not limited to:
 - (A) Client charting or case management;
 - (B) Research;
 - (C) Peer review, consultations, or meetings with attorneys, parole officers or other officials;
 - (D) Court time or testimony;
 - (E) Profession related committee work or attendance at sex offender treatment related meetings; and

(b) At least 160 hours of professional activities engaged in as a sex offender therapist, while under the direct supervision of a qualified mental health professional; refer to OAR 331-810-0050.

(5) Record of 60 hours of formal training directly related to the treatment and evaluation of sex offenders or victims of abuse that was completed within the last three years immediately preceding the date of application.

(a) Completion of formal training shall include documenting 75%, or 45 hours of the total required hours, in the following essential subjects:

(A) Assessment and diagnosis;
(B) Cognitive therapy;
(C) Counseling and psychotherapy;
(D) Cultural/ethnic issues;
(E) Ethics applicable to working with a forensic population;
(F) Human development with special attention to sexual development and healthy sexuality;

(G) Interviewing skills;
(H) Knowledge of family dynamics as related to sex offending;
(I) Psychometric and psycho-physiological testing;
(J) Psychopathology;
(K) Relapse prevention;
(L) Relationship and social skills training;
(M) Risk assessment;
(N) Sexual arousal control;
(O) Social support networks;
(P) Victim awareness and empathy.

(b) Completion of formal training shall include documenting 25%, or 15 hours of the total required hours, in the following areas of training and knowledge:

(A) Supervision;
(B) Assessment and treatment of mental illness including neuropsychological disorders;
(C) Couples and family therapy;
(D) Family reunification;
(E) Pharmacological therapy;
(F) Substance abuse treatment.

Stat. Auth.: ORS 675.375, 675.400, 676.615

Stat. Implemented: ORS 675.375, 675.400

Hist.:

331-810-0030

Associate Sex Offender Therapist Requirements

To qualify for certification as an associate sex offender therapist, an applicant shall provide satisfactory evidence to the agency that requirements of ORS 675.375(4) have been met regarding education, training and experience, in addition to other requirements listed in this rule. Required documentation includes the following:

(1) Official transcripts from college, university and post graduate records, showing attainment of at least a Bachelors of Science degree in the mental health field;

(2) Record of at least 1,000 hours of professional experience related to direct treatment services, as defined in OAR 331-800-0010, completed within three years

preceding the date of application. Documentation shall include the number of hours involved in the following:

- (a) Direct client contact;
- (b) Review of treatment plans and provision of direct treatment services under supervision;
- (c) Charting or case management;
- (d) Research;
- (e) Peer review, consultation, or meetings with attorneys, parole officers, or other officials;
- (f) Court time or testimony;
- (g) Profession related committee work or attendance at sex offender treatment related meetings; and

(3) Record of at least 30 hours of formal training directly related to the treatment and evaluation of sex offenders or victims of abuse that was completed within the last three years immediately preceding the date of application.

(a) Completion of formal training shall include documenting 75%, or 22.5 hours of the total required hours, in the following essential subjects:

- (A) Assessment and diagnosis;
- (B) Cognitive therapy;
- (C) Counseling and psychotherapy;
- (D) Cultural/ethnic issues;
- (E) Ethics applicable to working with a forensic population;
- (F) Human development with special attention to sexual development and healthy sexuality;
- (G) Interviewing skills;
- (H) Knowledge of family dynamics as related to sex offending;
- (I) Psychometric and psycho-physiological testing;
- (J) Psychopathology;
- (K) Relapse prevention;
- (L) Relationship and social skills training;
- (M) Risk assessment;
- (N) Sexual arousal control;
- (O) Social support networks;
- (P) Victim awareness and empathy.

(b) Completion of formal training shall include documenting 25%, or 7.5 hours of the total required hours, in the following areas of training and knowledge:

- (A) Supervision;
- (B) Assessment and treatment of mental illness including neuropsychological disorders;
- (C) Couples and family therapy;
- (D) Family reunification;
- (E) Pharmacological therapy;
- (F) Substance abuse treatment.

(4) Verification of and compliance with the requirements of direct supervision by a certified clinical sex offender therapist, according to OAR 331-810-0055.

Stat. Auth.: ORS 675.375, 675.400, 676.615

Stat. Implemented: ORS 675.375, 675.400

Hist.:

331-810-0035

Time Limited Grandfathering Provision

(1) **Time Limitation.** Pursuant to ORS 675.410(2)(b), an applicant who possesses all the qualifications for certification as a clinical sex offender therapist, but does not hold a certificate, license or registration as an Oregon mental health professional, required under ORS 675.375(3)(c) and defined in OAR 331-800-0010, may qualify for certification under a time limited grandfather provision within one year from the effective date of this rule.

(2) In the absence of an applicant holding an Oregon professional mental health certification, license, or registration, an applicant shall meet the training, education and experience qualification requirements and be otherwise eligible to apply for and attain such an authorization to practice.

(3) **References.** An applicant shall submit professional references from three individuals familiar with their work in sex offender treatment, such as personnel associated with Oregon State Department of Corrections, judicial system, direct supervisor, or a coworker.

(4) **Transcripts.** An applicant shall cause to be submitted to the agency official transcripts from a college, university and post graduate records, showing attainment of at least a masters or higher level degree in behavioral sciences.

(5) **Qualification Pathways.** An applicant for certification under the time limited grandfathering provision shall provide documentation verifying required clinical experience, evaluation and treatment experience, and formal training listed in subsections (6) through (9) of this rule under one of the following timelines:

(a) Pathway one: An applicant shall meet all qualification criteria within a period of six years immediately preceding the date of application; or

(b) Pathway two: An applicant shall meet qualification criteria within a period of ten years immediately preceding the date of application, with the 120 hours of required formal training completed at a minimum of 30 hours per year during the previous 4 years preceding the date of application.

(6) **Professional Clinical Experience.** An applicant must provide a record of at least 6,000 hours of professional clinical experience, of which 3,000 hours relates to providing direct treatment services as defined in OAR 331-800-0010.

(7) **Professional Evaluation and Treatment Experience.** An applicant must provide a record of 1,500 hours of evaluations, as defined in OAR 331-800-0010, which includes but is not limited to the following types of professional activities:

(a) Evaluation experience credit:

(A) Primary or secondary responsibility for interviewing the client;

(B) Preparation of the written evaluation report;

(C) All contact with clients; and

(D) Preparation of limited assessments for the purpose of:

(E) Institution classification;

(F) Treatment monitoring; and

(G) Reporting.

(b) Treatment experience credit:

(A) Face-to-face treatment hours performed by affiliates under the supervision of certified therapists;

(B) Time spent as a co-therapist. Both therapists shall have formal responsibility for the group session; and

(C) Time spent maintaining collateral contacts and written case/progress notes.

(8) **Professional Activities.** An applicant must provide a record of 1,500 hours of professionally related activities, associated with the following type of work:

(a) At least 1,200 hours of documented activities, including but not limited to:

(A) Client charting or case management;

(B) Research;

(C) Peer review, consultations, or meetings with attorneys, parole officers or other officials;

(D) Court time or testimony;

(E) Profession related committee work or attendance at sex offender treatment related meetings; and

(b) At least 300 hours of professional activities engaged in as a sex offender therapist, while under the direct supervision of a qualified mental health professional; refer to OAR 331-810-0055.

(9) **Professional Formal Training.** An applicant must provide a record of at least 120 hours of formal training directly related to the treatment and evaluation of sex offenders or victims of abuse:

(a) Completion of formal training shall include documenting 75%, or 90 hours of the total required hours, in the following essential subjects:

(A) Assessment and diagnosis;

(B) Cognitive therapy;

(C) Counseling and psychotherapy;

(D) Cultural/ethnic issues;

(E) Ethics applicable to working with a forensic population;

(F) Human development with special attention to sexual development and healthy sexuality;

(G) Interviewing skills;

(H) Knowledge of family dynamics as related to sex offending;

(I) Psychometric and psycho-physiological testing;

(J) Psychopathology;

(K) Relapse prevention;

(L) Relationship and social skills training;

(M) Risk assessment;

(N) Sexual arousal control;

(O) Social support networks;

(P) Victim awareness and empathy.

(b) Completion of formal training shall include documenting 25%, or 30 hours of the total required hours, in the following areas of training and knowledge:

(A) Supervision;

(B) Assessment and treatment of mental illness including neuropsychological disorders;

(C) Couples and family therapy;

(D) Family reunification;

(E) Pharmacological therapy;

(F) Substance abuse treatment.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400

Hist.:

331-810-0040

Reciprocity; Equivalencies

Pursuant to ORS 675.380, an applicant who is recognized as a clinical sex offender therapist or associate sex offender therapist in another state may be issued Oregon certification as a sex offender therapist if the applicant's education, experience and formal training meet similar requirements for Oregon certification under ORS 675.375 and OAR 331-810-0020.

(1) Educational equivalency includes completion of the following:

- (a) A masters or doctoral degree in social work, psychology, counseling, or educational psychology from a regionally accredited institution of higher education; or
- (b) A masters or doctoral degree in an equivalent field from a regionally accredited institution of higher education and documentation of thirty graduate semester hours or forty-five graduate quarter hours in approved subject content listed in subsection (2) of this section.

(2) Approved subject content includes at least five graduate semester hours or seven graduate quarter hours in counseling, psychotherapy, and personality theory, and five graduate semester hours or seven graduate quarter hours in at least two of the following content areas:

- (a) Counseling and psychotherapy;
- (b) Personality theory;
- (c) Behavioral science and research;
- (d) Psychopathology/personality disorders;
- (e) Assessment/tests and measurement;
- (f) Group therapy/family therapy;
- (g) Human growth and development/sexuality; and
- (h) Corrections/criminal justice.

(3) Applicants must arrange for an affidavit of licensure form prescribed by the agency, to be received directly from the appropriate state agency, professional mental health licensing or certifying agency in the state where the applicant is currently licensed or certified, substantiating active status in good standing as a certified sex offender therapist defined in ORS 675.365.

(4) Applicants must document active practice as a certified sex offender therapist in another state during the previous two years immediately preceding application for Oregon certification.

(5) Applicants shall provide required documentation listed in OAR 331-030-0000, OAR 331-820-0010 and other information as may be requested by the agency to determine equivalent education, experience and formal training for Oregon certification as a sex offender therapist.

Stat. Auth.: ORS 675.375, 675.380, 675.400, 676.615

Stat. Implemented: ORS 675.375, 675.380, 675.400

Hist.:

Division 820 Licensure and Renewal

331-820-0010

Application Requirements

(1) An individual applying for certification as a sex offender therapist under ORS 675.370 shall submit an application form prescribed by the agency, which contains information listed in OAR 331-030-0000, payment of required application and certification fees, and satisfactory evidence of meeting qualification criteria according to one of the following certification pathways:

(a) Clinical sex offender therapist: required documentation pertaining to education, training and experience listed in OAR 331-810-0020;

(b) Associate sex offender therapist: required documentation pertaining to education, training, experience and supervision listed in OAR 331-810-0030;

(c) Individuals applying under a time limited grandfather provision: required documentation pertaining to education, training and experience listed in OAR 331-810-0035; or

(d) Individuals applying under ORS 675.380 reciprocal or equivalent credentials: required documentation pertaining to education, training and experience listed in OAR 331-810-0040.

(2) An application for certification shall be accompanied by a proposed professional disclosure statement, required under ORS 675.375(1), and the applicant's fingerprint and criminal background check forms prescribed by the agency.

Stat. Auth.: ORS 675.375, 675.400, 676.607, 676.615,

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.:

331-820-0020

License Issuance and Renewal

(1) Certified clinical sex offender therapists and certified associate sex offender therapists are subject to the provisions of OAR 331-030-0010 regarding the issuance and renewal of a certificate, and to the provisions of OAR 331-030-0020 regarding the authorization to practice, identification and the requirements for issuance of a duplicate authorization.

(2) Notwithstanding ORS 675.375(5) and OAR 331-030-0010(1), the certificate will be issued for a two-year period from the date all qualifications have been met.

(3) Renewal of a certificate shall be made in advance of the certification expiration date by submitting the following to the agency:

(a) Renewal application form;

(b) Renewal fees;

(c) Signed attestation of completion of required continuing education according to OAR 331-830-0010; and

(d) Satisfactory documentation recording at least 100 hours of clinical experience per year preceding renewal, of which 50 hours is related to direct clinical contact with sex offenders. Refer to OAR 331-830-0010.

(4) A completed certificate renewal application received by the agency or postmarked after a certificate has expired, but within three years from the expiration date, may be approved upon payment of the application for renewal and delinquency fees for each year in expired status, signed attestation of having obtained required

continuing education pursuant to the provisions of ORS 675.375(5)(c) and OAR 331-810-0020 or 331-810-0030, and completion of the prescribed number of hours of clinical experience required in ORS 675.375(5)(b) for each year in expired status.

(5) A certificate that has been expired for more than three years shall be deemed invalid and may be reactivated by submitting to the agency the following requirements:

(a) Application form and information required according to OAR 331-030-0000 and 331-820-0010;

(b) Payment of application, reactivation and certificate fees;

(c) Completion of prescribed continuing education during period of inactive certification.

(6) Evidence of required continuing education shall be provided at the time of renewal by means of a prescribed self-attestation form certifying participation in approved continuing education.

(7) Continuing education documentation shall be accumulated and held by the certificate holder for a period of 3 years following renewal, or until submitted to the agency at the time of audit within the three year period.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stats. Implemented: ORS 675.375, 675.400, 675.410

Hist.:

**DIVISION 850
DISCIPLINE AND ENFORCEMENT**

331-850-0010

Investigative Authority

The Oregon Health Licensing Agency may initiate and conduct investigations of matters relating to the practice of Sex Offender Treatment, pursuant to ORS 676.608, and may take appropriate disciplinary action in accordance with the provisions of ORS 676.612 and 675.385.

Stat. Auth.: ORS 675.385, 676.608 and 676.612

Stats Implemented: ORS 675.385, 676.608 and 676.612

Hist.:

H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - AAG Review 022108.doc
2/22/2008 3:43:51 PM
Edited by: pallbritton

REFILED UNDER
H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - Board Review 022908.doc
2/28/2008 11:30:10 AM
Edited by: pallbritton

REFILED UNDER
H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - Board Review 030708.doc
3/3/2008 7:18:55 PM
Edited by: pallbritton

H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - Board Review 030708.doc
3/5/2008 12:47:07 PM
Edited by: pallbritton

REFILED UNDER
H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - SOS file copy 031408.doc
3/13/2008 11:52:08 AM
Edited: pallbritton

REVISED for SOS filing 03-14-08
H:\Admin - PSPD files\RULES\2008\SOTB\Drafts\SOTB Temp - SOS test file copy 031408.doc
3/13/2008 9:50:51 PM
Edited: pallbritton