

HB 2016 -1 STAFF MEASURE SUMMARY

House Committee On Behavioral Health and Health Care

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Meeting Dates: 3/18, 4/8

WHAT THE MEASURE DOES:

The measure directs the Board of Licensed Professional Counselors and Therapists (Board) to create a schedule of violations and to remove the information related to the discipline of some licensees after three and five years based on the level of the violation.

Detailed Summary

- Directs the Board to establish a schedule of violations based on the penalties imposed for each violation type. Specifies violations to be included in the schedule.
- Directs the Board to remove information related to the discipline of a licensee from its website and any public-facing publications after three and five years depending on the level of the violation. Specifies violation levels for the three- and five-year thresholds. Specifies that information related to the discipline of a licensee or associate that includes a permanent license denial shall not be removed.

ISSUES DISCUSSED:

- Permanence of public records on the internet
- Potential for errors in publicly posted disciplinary records which can create confusion for clients and negatively impact providers
- Standards for other health professions posting disciplinary actions
- Whether removing publicly available disciplinary records or posting disciplinary records with the resolution would resolve the problem
- Confusion over terminology around use of the term "publication"

EFFECT OF AMENDMENT:

-1 Specifies that the Board may not remove information from a publicly accessible, searchable database intended to enable licensure verification.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: No revenue impact

BACKGROUND:

The Oregon Board of Licensed Professional Counselors and Therapists provides regulatory oversight to qualified mental health professionals through credentialing and discipline processes. The Board issues licenses to licensed professional counselors (LPCs) and licensed marriage and family therapists (LMFTs). Currently, the Board maintains a publicly available report including all disciplinary actions taken since 2008. According to most recently available [data](#), of 1474 total licensees in 2023, the Board responded with a final decision in 207 cases for potential discipline. The Board determined that disciplinary action was required for 76 cases, about 37 percent of cases; of those, only 7 cases resulted in the revocation or surrender of a license.

House Bill 2016 directs the Board of Licensed Professional Counselors and Therapists to create a schedule of violations and to remove the information related to the discipline of some licensees after three and five years based on the level of the violation.