

A-Engrossed
House Bill 4063

Ordered by the House February 14
Including House Amendments dated February 14

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans Affairs)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires certain professional licensing agencies to accept applicant's military training or experience as substitute for education or experience required for licensure, certification or registration if military training or experience is substantially similar to education and experience required for licensure, certification or registration. **Requires Oregon Medical Board to accept such military training or experience as substitute for requirements related to physician assistant continuing education. Eliminates, for certified instructor for Armed Forces of United States, certain requirements for basic teaching license.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to professional licensure of applicants with military training or experience; creating new
3 provisions; amending ORS 181.875, 342.195, 672.105, 672.118, 675.030, 675.240, 675.250, 677.512,
4 678.442, 680.515, 680.520, 684.040, 688.050, 688.455, 688.650, 688.720, 688.815, 688.819, 689.255,
5 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and 807.040; and declaring an emer-
6 gency.

7 **Be It Enacted by the People of the State of Oregon:**

8 **SECTION 1.** ORS 181.875 is amended to read:

9 181.875. (1) An applicant for certification as a private security professional:

10 (a) Must be:

11 (A) At least 18 years of age, if an applicant for certification as an unarmed private security
12 professional; or

13 (B) At least 21 years of age, if an applicant for certification as an armed private security pro-
14 fessional;

15 (b) Must have satisfactorily completed training requirements approved by the Board on Public
16 Safety Standards and Training; and

17 (c) Must not be required to register or be registered as a sex offender under ORS 181.595,
18 181.596, 181.597 or 181.609.

19 **(2) An applicant meets the requirements of subsection (1)(b) of this section if the appli-**
20 **cant provides the Department of Public Safety Standards and Training with documentation**
21 **of military training or experience that the department determines is substantially equivalent**
22 **to the training required by subsection (1)(b) of this section.**

23 [(2)] (3) The department [*of Public Safety Standards and Training*], in consultation with the
24 board, shall adopt rules specifying those crimes for which a conviction requires the denial or revo-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cation of certification as a private security professional or instructor.

2 **SECTION 1a.** ORS 342.195 is amended to read:

3 342.195. [*Upon payment of the required fees, an otherwise qualified applicant for an initial or basic*
4 *teaching license shall be granted the license upon showing by proof satisfactory to the Teacher Stan-*
5 *dards and Practices Commission that the applicant has completed under an Armed Forces of the*
6 *United States or Peace Corps program, or as a volunteer under section 603 of the Economic Opportu-*
7 *nity Act of 1964 (Public Law 88-452), two years of satisfactory service which emphasized teaching in*
8 *any preprimary program or in any grades 1 through 12 in subjects regularly taught in public schools*
9 *if the applicant either:]*

10 [(1) *Has completed an approved teacher education program; or]*

11 [(2) *Has at least the baccalaureate degree from an accredited institution of higher education and*
12 *has completed a teacher training program provided under the auspices of the federal program.]* **An**
13 **otherwise qualified applicant for an initial or basic teaching license shall be granted the li-**
14 **cence upon payment of the required fees and the showing by proof satisfactory to the**
15 **Teacher Standards and Practices Commission that:**

16 (1) **While the applicant was in the Peace Corps program or was a volunteer under section**
17 **603 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:**

18 (a) **Completed two years of satisfactory service that emphasized teaching in any prepri-**
19 **mary program or in any grade 1 through 12 in subjects regularly taught in public schools;**
20 **and**

21 (b)(A) **Has completed an approved teacher education program; or**

22 (B) **Has earned at least a baccalaureate degree from an accredited institution of higher**
23 **education and has completed a teacher training program provided under the auspices of the**
24 **federal program.**

25 (2) **The applicant was a certified instructor for the Armed Forces of the United States.**

26 **SECTION 2.** ORS 672.105 is amended to read:

27 672.105. (1) As minimum evidence of qualification for the fundamentals in engineering examina-
28 tion, an applicant shall provide evidence of graduation in an approved engineering curriculum of
29 four years or more from a school or college approved by the State Board of Examiners for Engi-
30 neering and Land Surveying.

31 (2) Notwithstanding [*the provisions of*] subsection (1) of this section[,]:

32 (a) The board shall adopt rules to consider an applicant's work experience[,] **or** education, or
33 other relevant factors, in lieu of a degree in engineering as qualification for the fundamentals in
34 engineering examination.

35 (b) **An applicant qualifies for the fundamentals in engineering examination if the board**
36 **determines that the applicant has military training or experience that is substantially**
37 **equivalent to the education required by subsection (1) of this section.**

38 (3) The fundamentals in engineering examination shall be prescribed by the board and shall be
39 devoted to basic engineering subjects. The examination shall be written or written and oral.

40 **SECTION 3.** ORS 672.118 is amended to read:

41 672.118. (1) As minimum evidence of qualification for the fundamentals examination in land
42 surveying, an applicant shall provide evidence of graduation in an approved land surveying or pho-
43 togrammetric mapping curriculum of four years or more from a school or college approved by the
44 State Board of Examiners for Engineering and Land Surveying.

45 (2) Notwithstanding [*the provisions of*] subsection (1) of this section[,]:

1 (a) The board shall adopt rules to consider an applicant's work experience, or other relevant
2 factors, in lieu of a degree as qualification for the fundamentals in land surveying examination.

3 (b) **An applicant qualifies for the fundamentals in land surveying examination if the board**
4 **determines that the applicant has military training or experience that is substantially**
5 **equivalent to the education required by subsection (1) of this section.**

6 (3) The fundamentals in land surveying examination shall be prescribed by the board and shall
7 be devoted to basic land surveying subjects. The examination shall be written, or written and oral.

8 **SECTION 4.** ORS 675.030 is amended to read:

9 675.030. (1) Upon application for licensure accompanied by the established fee, the State Board
10 of Psychologist Examiners shall issue a psychologist license to *[any]* **an** applicant who performs to
11 the satisfaction of the board in examinations prescribed by the board and furnishes evidence satis-
12 factory to the board that the applicant:

13 (a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable
14 rules of the board;

15 (b) Holds a doctoral degree in psychology~~, *such degree having been obtained*~~ from an approved
16 doctoral program in psychology;

17 (c) Has satisfactorily completed ~~*such*~~ courses and training ~~*as may be*~~ required by the board;

18 (d) Has had two years of supervised employment **in the field of psychology:**

19 (A) Under the direction of a psychologist licensed in Oregon or under the direction of a person
20 considered by the board to have equivalent supervisory competence; ~~*and*~~ **or**

21 **(B) In the military; and**

22 (e) Is of good moral character. For purposes of this section, the lack of good moral character
23 may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct
24 ~~*which*~~ **that** would cause a reasonable person to have substantial doubts about the individual's
25 honesty, fairness and respect for the rights of others and for the laws of the state and the nation.
26 The conduct or acts in question must be rationally connected to the applicant's fitness to practice
27 psychology.

28 (2) The board shall adopt rules by which a person receiving post-doctoral supervision during the
29 application process may enter into a contract to practice psychology under the supervision of a li-
30 censed psychologist, psychologist associate or a person considered by the board to have equivalent
31 supervisory competence. An applicant who enters such a contract shall be designated as a psy-
32 chologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS
33 675.010 to 675.150.

34 **SECTION 5.** ORS 675.240 is amended to read:

35 675.240. (1) Except as provided in ORS 675.270, ~~*each*~~ **an** applicant for licensure under ORS
36 675.210 to 675.340 as an occupational therapist ~~*shall*~~ **must:**

37 ~~*[1]*~~ (a) Have successfully completed an educational program in occupational therapy recognized
38 by the Occupational Therapy Licensing Board, with concentration in biological or physical science,
39 psychology and sociology, and with education in selected manual skills.

40 ~~*[2]*~~ (b) Pass to the satisfaction of the board an examination adopted by the board to determine
41 the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed
42 as provided in ORS 675.270.

43 ~~*[3]*~~ (c) Have successfully completed at least six months of supervised field work that complies
44 with rules adopted by the board.

45 ~~*[4]*~~ (d) Comply with continuing education requirements as adopted by the board by rule.

1 [(5)] (e) If [the] **an** applicant has been unlicensed for more than three years, complete a board-
2 approved reentry program or retake the board-approved national examination to determine fitness
3 for practice as an occupational therapist.

4 **(2) An applicant meets the requirements of subsection (1)(c) of this section if the appli-**
5 **cant provides the board with documentation of military experience that the board determines**
6 **is substantially equivalent to the experience required by subsection (1)(c) of this section.**

7 **SECTION 6.** ORS 675.250 is amended to read:

8 675.250. (1) Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to
9 675.340 as an occupational therapy assistant shall:

10 [(1)] (a) Be at least 18 years of age.

11 [(2)] (b) Have successfully completed the academic requirements of an educational program for
12 occupational therapy assistants recognized by the Occupational Therapy Licensing Board.

13 [(3)] (c) Pass an examination approved by the board to determine the fitness of the applicant for
14 practice as an occupational therapy assistant.

15 [(4)] (d) Have successfully completed at least two months of supervised field work that complies
16 with rules adopted by the board.

17 [(5)] (e) Comply with continuing education requirements as adopted by the board by rule.

18 [(6)] (f) If [the] **an** applicant has been unlicensed for more than three years, complete a board-
19 approved reentry program or retake the board-approved national examination to determine fitness
20 for practice as an occupational therapy assistant.

21 **(2) An applicant meets the requirements of subsection (1)(b) or (d) of this section if the**
22 **applicant provides the board with documentation of military training or experience that the**
23 **board determines is substantially equivalent to the education or experience required by sub-**
24 **section (1)(b) or (d) of this section.**

25 **SECTION 7.** ORS 677.512 is amended to read:

26 677.512. (1) A person seeking licensure as a physician assistant shall complete an application
27 form provided by the Oregon Medical Board and submit the form to the board, accompanied by
28 nonrefundable fees for the application and for the license in amounts determined by rule of the
29 board.

30 (2) The board may issue a license to a physician assistant who:

31 (a) Submits an application as required by the board by rule;

32 (b) Pays the application fee established by the board by rule;

33 (c) Has completed an educational program accredited by a nationally recognized accreditation
34 organization for physician assistant educational programs;

35 (d) Has passed the initial national examination required of physician assistants to become na-
36 tionally certified;

37 (e) Is mentally and physically able to engage safely in practice as a physician assistant;

38 (f) Has not been disciplined by a physician assistant licensing board in another state, unless the
39 board considers the discipline and determines that the person is competent to practice as a physi-
40 cian assistant; and

41 (g) Is of good moral character as determined by the board.

42 (3) The board may issue a license by reciprocity to a person who is licensed as a physician as-
43 sistant in another state and meets the requirements of subsection (2)(c) and (d) of this section.

44 (4)(a) The board shall adopt necessary and proper rules to govern the renewal of licenses issued
45 under this section.

1 **(b) If the board requires a licensee to complete continuing education in order to renew**
2 **a license issued under this section, the board shall allow a licensee to meet those require-**
3 **ments by providing the board with documentation of military training or experience that is**
4 **substantially equivalent to the continuing education required by the board.**

5 **SECTION 8.** ORS 678.442 is amended to read:

6 678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall
7 certify as a nursing assistant any person who [*applies therefor*,]:

8 **(a) Submits an application;**

9 **(b)(A) Shows completion of an approved training program for nursing assistants [*and*]; or**

10 **(B) Has military training or experience that the board determines is substantially equiv-**
11 **alent to the training required by subparagraph (A) of this paragraph; and**

12 **(c) Passes a board approved examination.**

13 (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate
14 issued under this section or may reprimand a nursing assistant for the following reasons:

15 (a) Conviction of the certificate holder of a crime where such crime bears demonstrable re-
16 lationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to
17 by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

18 (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal
19 thereof.

20 (c) Impairment as defined in ORS 676.303.

21 (d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

22 (e) Physical condition that makes the certificate holder unable to perform safely the duties of
23 a nursing assistant.

24 (f) Conduct unbecoming a nursing assistant in the performance of duties.

25 (3) The board shall establish by rule a procedure for the biennial renewal of nursing assistant
26 certificates. The certificate renewal procedure [*shall*] **must** be substantially like the procedure es-
27 tablished for the licensing of nurses under ORS 678.101.

28 (4) Notwithstanding ORS 192.501, the board may use the results of a nursing assistant exam-
29 ination for the continuing education of applicants for certification as a nursing assistant.

30 **SECTION 9.** ORS 680.515 is amended to read:

31 680.515. (1) Subject to the provisions of ORS 676.612, upon application accompanied by payment
32 of required fees, the Oregon Health Licensing Agency shall issue a license to practice denture
33 technology to [*any*] **an** applicant who [*submits proof satisfactory to the agency that the applicant has*
34 *completed all requirements for licensure, which include, but are not limited to*]:

35 (a) [*Providing*] **Provides** to the agency official transcripts verifying completion of an associate
36 degree program in denture technology, or the equivalent in formal, post-secondary education, ap-
37 proved by the agency in consultation with the Oregon Student Access Commission and the Depart-
38 ment of Education. [*The educational program shall include pertinent courses in anatomy, including*
39 *histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental ma-*
40 *terials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture*
41 *laboratory technology*;]

42 (b) [*Providing*] **Provides** to the agency documentation of 1,000 hours of supervised clinical
43 practice in denture technology, completed while enrolled in or after having completed a course of
44 study offered in a post-secondary educational institution, or through equivalent supervised experi-
45 ence, as determined by the agency in consultation with the commission and the department [*of Ed-*

1 *ucation; and*].

2 (c) *[Passing]* **Passes** a written and a practical examination prescribed, recognized or approved
3 by the State Board of Denture Technology. An applicant who fails the practical examination must
4 complete additional hours of clinical and laboratory training in an approved work experience pro-
5 gram, as determined by the *[State Board of Denture Technology]* **board**, to qualify for reexamination.

6 **(d) Meets other requirements established by the agency by rule.**

7 **(2) The educational program required by subsection (1)(a) of this section must include**
8 **pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology,**
9 **pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics,**
10 **professional ethics, clinical denture technology and denture laboratory technology.**

11 *[(2)]* **(3)** Notwithstanding subsection (1)(a) of this section, the *[State Board of Denture*
12 *Technology]* **board** may accept educational training obtained in any other state or country if, upon
13 review of satisfactory evidence, the agency determines that the educational program in the other
14 state or country meets the educational standards prescribed under this section.

15 **(4) An applicant meets the requirements of subsection (1)(a) or (b) of this section if the**
16 **applicant provides the agency with documentation of military training or experience that the**
17 **agency determines is substantially equivalent to the training or experience required by sub-**
18 **section (1)(a) or (b) of this section.**

19 *[(3)]* **(5)** Notwithstanding subsection (1)(c) of this section, the agency may adopt rules providing
20 for waiver of the practical examination requirement.

21 *[(4)]* **(6)** The agency may adopt rules allowing for issuance of a temporary license to practice
22 denture technology.

23 **SECTION 10.** ORS 680.520 is amended to read:

24 680.520. (1) Examinations of applicants for licensure under ORS 680.500 to 680.565 shall be held
25 at least once a year at such times and places as the State Board of Denture Technology may de-
26 termine. Timely and appropriate notice shall be given to each applicant.

27 (2) The examination shall be sufficiently thorough to determine the qualifications, fitness and
28 ability of the applicant to practice denture technology. The examination may be in the form of
29 written, oral or practical demonstration of skills, or a combination of any such types. The exam-
30 ination shall cover at least subjects listed in ORS 680.515 *[(1)(a)]* **(2)** and any additional subjects
31 required by the Oregon Health Licensing Agency by rule that are based on changes in industry
32 technology, health care delivery systems, client safety or scientific infection control techniques.

33 **NOTE:** Sections 11 through 13 were deleted by amendment. Subsequent sections were not re-
34 numbered.

35 **SECTION 14.** ORS 684.040 is amended to read:

36 684.040. (1) Any person applying for a license to practice chiropractic in this state shall make
37 application to the State Board of Chiropractic Examiners, upon such form and in such manner as
38 may be provided by the board. The application must be accompanied by nonrefundable fees of:

39 (a) \$150; and

40 (b) The amount established by the board by rule under ORS 181.534.

41 (2) Each applicant shall furnish to the board:

42 (a) Evidence satisfactory to the board of the applicant's good moral character.

43 (b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January
44 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

45 (c) Evidence of successful completion of at least two years of liberal arts and sciences study, in

1 any college or university accredited by either the Northwest Association of Schools and Colleges
2 or a like regional association or in any college or university in Oregon approved for granting de-
3 grees by the Oregon Student Access Commission.

4 (d) A diploma and transcript, certified by the registrar, or other documents satisfactory to the
5 State Board of Chiropractic Examiners evidencing graduation from a chiropractic school or college
6 approved by the board under the board's academic standards, or from a school accredited by the
7 Council on Chiropractic Education or its successor agency, under standards that are accepted and
8 adopted biennially by the board in the version applied to that school by the accrediting agency.

9 (e) A statement of any other health care provider license in this state held by the applicant,
10 with identifying information required by the State Board of Chiropractic Examiners.

11 **(3) An applicant meets the requirements of subsection (2)(c) or (d) of this section if the**
12 **applicant provides the State Board of Chiropractic Examiners with documentation of military**
13 **training or experience that the board determines is substantially equivalent to the education**
14 **required by subsection (2)(c) or (d) of this section.**

15 [(3)] (4) The State Board of Chiropractic Examiners may waive the requirements of subsection
16 (2)(c) of this section for any applicant for a license to practice chiropractic if the applicant is li-
17 censed in another state and practiced chiropractic in that state, but the applicant must pass the
18 examination authorized by ORS 684.050 or by ORS 684.052.

19 **SECTION 15.** ORS 688.050 is amended to read:

20 688.050. (1) Each applicant for a license as a physical therapist shall:

21 (a) Be at least 18 years of age.

22 (b) Be of good moral character as determined by the Physical Therapist Licensing Board.

23 (c)(A) Be a graduate of an accredited professional physical therapy education program approved
24 by the board[.]; or

25 **(B) Have military experience or training that the board determines is substantially**
26 **equivalent to the education required by subparagraph (A) of this paragraph.**

27 (d) Pass to the satisfaction of the board an examination approved by the board to determine the
28 fitness of the applicant to practice as a physical therapist or to be entitled to be licensed as pro-
29 vided in ORS 688.080. An applicant for licensure as a physical therapist who does not pass the ex-
30 amination on the first attempt may retake the examination as provided by rules adopted by the
31 board.

32 (2) In addition to the requirements of subsection (1) of this section, an applicant for a license
33 as a physical therapist who has been educated outside the United States shall:

34 (a) Provide evidence satisfactory to the board that the applicant's physical therapy education
35 program is recognized or accredited and that the applicant's education is substantially equivalent
36 to the education of physical therapists who graduated from accredited physical therapy education
37 programs approved by the board. If the board determines that the education of an applicant who
38 graduated from a physical therapy education program outside the United States is not substantially
39 equivalent, the board may require the applicant to complete additional course work before the board
40 proceeds with the application process.

41 (b) Obtain an evaluation of the applicant's educational credentials by a credentials evaluation
42 agency approved by the board.

43 (c) Demonstrate proficiency in English if required by the board.

44 (d) Pass to the satisfaction of the board an examination approved by the board.

45 (3) If an applicant who has been educated outside the United States is a graduate of an ac-

1 credited physical therapy education program approved by the board, the board may waive the re-
2 quirements of subsection (2)(a) and (b) of this section.

3 **SECTION 16.** ORS 688.455 is amended to read:

4 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
5 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
6 lished by the board and if the person, at the time of application:

7 (a) Is at least 18 years of age;

8 (b) Has graduated from an approved school;

9 (c) Has undergone a background check to the satisfaction of the board as established in rules
10 adopted by the board;

11 (d) Has not had a license of any type revoked by this state or any state, territory of the United
12 States or nation;

13 (e) Has not had a credential revoked by any credentialing organization;

14 (f) Meets the standards of ethical conduct established in the professional standards of the cor-
15 responding credentialing organization or a medical imaging modality's professional society; and

16 (g) Meets the requirements for licensing as described in ORS 688.495.

17 (2) All applicants for a license are subject to the examination policies of their respective cre-
18 dentialing organizations.

19 **(3) An applicant meets the requirements of subsection (1)(b) of this section if the appli-
20 cant provides the board with documentation of military training or experience that the board
21 determines is substantially equivalent to the education required by subsection (1)(b) of this
22 section.**

23 [(3)(a)] **(4)(a)** The board may consider issuing a new license to a person whose revoked creden-
24 tial has been reinstated by a credentialing organization or whose license of any type has been
25 reinstated by another state.

26 (b) The board shall consider issuing a new license under this subsection on a case-by-case basis
27 and shall adopt rules governing issuance of a new license.

28 **SECTION 17.** ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, is
29 amended to read:

30 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
31 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
32 lished by the board and if the person, at the time of application:

33 (a) Is at least 18 years of age;

34 (b) Has graduated from an approved school or has otherwise met the examination requirements
35 and policies of a credentialing organization in a medical imaging modality recognized by the board;

36 (c) Holds a credential issued by a credentialing organization in a medical imaging modality re-
37 cognized by the board;

38 (d) Has undergone a background check to the satisfaction of the board as established in rules
39 adopted by the board;

40 (e) Has not had a license of any type revoked by this state or any state, territory of the United
41 States or nation;

42 (f) Has not had a credential revoked by any credentialing organization;

43 (g) Meets the standards of ethical conduct established in the professional standards of the cor-
44 responding credentialing organization or a medical imaging modality's professional society; and

45 (h) Meets the requirements for licensing as described in ORS 688.495.

1 (2) All applicants for a license are subject to the examination policies of their respective cre-
2 dentialing organizations.

3 **(3) An applicant meets the requirements of subsection (1)(b) of this section if the appli-**
4 **cant provides the board with documentation of military training or experience that the board**
5 **determines is substantially equivalent to the education or experience required by subsection**
6 **(1)(b) of this section.**

7 [(3)(a)] **(4)(a)** The board may consider issuing a new license to a person whose revoked creden-
8 tial has been reinstated by a credentialing organization or whose license of any type has been
9 reinstated by another state.

10 (b) The board shall consider issuing a new license under this subsection on a case-by-case basis
11 and shall adopt rules governing issuance of a new license.

12 **SECTION 18.** ORS 688.650 is amended to read:

13 688.650. (1)(a) When application has been made as required under ORS 688.640, the Oregon
14 Health Authority shall certify [the] **an** applicant as a hemodialysis technician if [it finds] **the au-**
15 **thority finds that the applicant:**

16 [(a)] **(A)** [The applicant] Has successfully completed the training requirement adopted by the
17 authority.

18 [(b)] **(B)** [A fee has been paid] **Has paid a fee** to the authority pursuant to ORS 688.645.

19 [(c)] **(C)** [The applicant] Has successfully completed an examination administered by the author-
20 ity or administered by another public or private entity and approved by the authority.

21 [(d)] **(D)** [The applicant] Meets any other requirements prescribed by rule of the authority.

22 **(b) An applicant meets the requirements of paragraph (a)(A) of this subsection if the**
23 **applicant provides the authority with documentation of military training or experience that**
24 **the authority determines is substantially equivalent to the training requirement adopted by**
25 **the authority.**

26 (2) The authority may provide for the issuance of a temporary or provisional certification for a
27 person to practice as a hemodialysis technician until the person has taken and passed the next held
28 certification examination available to the person and has received a certificate. The authority may
29 impose any conditions or limitations on a temporary or provisional certificate that the authority
30 considers reasonable and necessary to protect the public. A temporary or provisional certificate may
31 be held only by a person who:

32 (a) Has not received a failing grade on a certification examination approved or administered by
33 the authority; and

34 (b)(A) Has successfully completed the initial training required by authority rule; or

35 (B) Is currently working in this or another state as a hemodialysis technician and is enrolled
36 in a program offering the initial training required by authority rule.

37 (3) Each person holding a certificate under this section shall submit, at the time of application
38 for renewal of the certificate to the authority, evidence of the applicant's satisfactory completion
39 of any continuing education requirements prescribed by rule by the authority.

40 (4) The authority shall prescribe criteria and approve programs of continuing education.

41 (5) Each certification issued under this section, unless sooner suspended or revoked, shall expire
42 and be renewable after a period of two years. Each certificate must be renewed on or before June
43 30 of every second year or on or before such date as may be specified by authority rule. The au-
44 thority by rule shall establish a schedule of certificate renewals under this subsection and shall
45 prorate the fees to reflect any shorter certificate period.

1 **SECTION 19.** ORS 688.720 is amended to read:

2 688.720. [*An applicant for*] **The Board of Athletic Trainers shall issue a registration as an**
3 athletic trainer under ORS 688.701 to 688.734 [*shall be issued a registration if the*] **to an applicant**
4 **who has:**

5 (1) Provided to the board [*of Athletic Trainers*] adequate proof of:

6 (a) Receipt of a bachelor's degree from an accredited four-year college or university and has
7 met the minimum athletic training curriculum requirements established by the board [*of Athletic*
8 *Trainers*] and adopted by rule; **or**

9 **(b) Military experience or training that the board determines is substantially equivalent**
10 **to the education required by paragraph (a) of this subsection;**

11 (2) Successfully completed the certification examination administered by the National Athletic
12 Trainers Association Board of Certification or equivalent examination approved or recognized by the
13 Board of Athletic Trainers;

14 (3) Completed any other requirements for registration as determined by the Board of Athletic
15 Trainers and adopted by rule;

16 (4) Submitted to the Board of Athletic Trainers adequate documentation that the applicant is
17 at least 18 years of age; and

18 (5) Paid all fees required for registration.

19 **SECTION 20.** ORS 688.815 is amended to read:

20 688.815. (1) An applicant for a license to practice respiratory care shall:

21 (a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

22 (A) Is at least 18 years of age;

23 (B) Has completed an approved four-year high school course of study or the equivalent as de-
24 termined by the appropriate educational agency; and

25 (C) Has completed a respiratory care education program approved by the American Medical
26 Association in collaboration with the Joint Review Committee for Respiratory Therapy Education
27 or their successors or equivalent organizations, as approved by the Respiratory Therapist and
28 Polysomnographic Technologist Licensing Board; and

29 (b) Pass an examination approved by the board.

30 **(2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the ap-**
31 **plicant provides the agency with documentation of military training or experience that the**
32 **board determines is substantially equivalent to the education required by subsection (1)(a)(C)**
33 **of this section.**

34 [(2)] **(3)** The agency may issue a license to practice respiratory care by endorsement or
35 reciprocity to:

36 (a) An applicant who is currently licensed to practice respiratory care under the laws of another
37 state, territory or country if the qualifications of the applicant are considered by the agency to be
38 equivalent to those required in this state; or

39 (b) An applicant holding an active credential conferred by the National Board for Respiratory
40 Care as a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or
41 both.

42 [(3)] **(4)** Except as provided in subsection [(7)] **(8)** of this section, all licenses expire on the last
43 day of the month, one year from the date of issuance.

44 [(4)] **(5)** To renew a license to practice respiratory care, a licensee must submit to the agency
45 a completed renewal application, required renewal fee and satisfactory evidence of completion of

1 any required continuing education credits on or before the expiration date of the license as specified
2 by agency rule.

3 [(5)] (6) The agency shall adopt by rule requirements for late renewal of a license, reactivation
4 of an expired license or reinstatement of a license that has been expired for more than three con-
5 secutive years.

6 [(6)] (7) If the license of a respiratory care practitioner has been denied, suspended or revoked
7 for commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the
8 license for up to one year from the date of denial, suspension or revocation.

9 [(7)] (8) The agency may vary the date of license renewal by giving the applicant written notice
10 of the renewal date being assigned and by making prorated adjustments to the renewal fee.

11 **SECTION 21.** ORS 688.819 is amended to read:

12 688.819. (1) An applicant for a polysomnographic technologist license shall:

13 (a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

14 (A) Is at least 18 years of age;

15 (B) Has completed an approved four-year high school course of study or the equivalent as de-
16 termined by the appropriate educational agency; and

17 (C) Has completed a polysomnography education program approved by the Respiratory Therapist
18 and Polysomnographic Technologist Licensing Board; and

19 (b) Pass an examination approved by the board.

20 **(2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the ap-
21 plicant provides the agency with documentation of military training or experience that the
22 board determines is substantially equivalent to the education required by subsection (1)(a)(C)
23 of this section.**

24 [(2)] (3) The agency may issue a polysomnographic technologist license by endorsement or
25 reciprocity to:

26 (a) An applicant who is currently licensed to practice polysomnography under the laws of an-
27 other state, territory or country if the qualifications of the applicant are considered by the agency
28 to be equivalent to those required in this state; or

29 (b) An applicant holding an active credential approved by the board.

30 [(3)] (4) Except as provided in subsection [(7)] (8) of this section, all licenses expire on the last
31 day of the month, one year from the date of issuance.

32 [(4)] (5) To renew a polysomnographic technologist license, a licensee must submit to the agency
33 a completed renewal application, required renewal fee and satisfactory evidence of completion of
34 any required continuing education credits on or before the expiration date of the license as specified
35 by agency rule.

36 [(5)] (6) The agency shall adopt by rule requirements for late renewal of a license, reactivation
37 of an expired license or reinstatement of a license that has been expired for more than three con-
38 secutive years.

39 [(6)] (7) If a polysomnographic technologist license has been denied, suspended or revoked for
40 commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the li-
41 cense for up to one year from the date of denial, suspension or revocation.

42 [(7)] (8) The agency may vary the date of license renewal by giving the applicant written notice
43 of the renewal date being assigned and by making prorated adjustments to the renewal fee.

44 [(8)] (9) The agency may issue a temporary permit to practice polysomnography in accordance
45 with rules adopted by the agency.

1 **SECTION 22.** ORS 689.255 is amended to read:

2 689.255. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure
3 by examination shall:

4 (a) Have submitted a written application in the form prescribed by the State Board of Pharmacy.

5 (b) Have attained the age of 18 years.

6 (c) Be of good moral character and temperate habits.

7 (d) Have completed requirements for the first professional undergraduate degree as certified by
8 a school or college of pharmacy which has been approved by the board.

9 (e) Have completed an internship or other program which has been approved by the board, or
10 demonstrated to the board's satisfaction experience in the practice of pharmacy which meets or ex-
11 ceeds the minimum internship requirements of the board.

12 (f) Have successfully passed an examination approved by the board.

13 (g) Have paid the fees specified by the board for examination and issuance of license.

14 (2)(a) The board shall approve the content and subject matter of each examination and deter-
15 mine which persons have successfully passed the examination.

16 (b) The examination shall be prepared to measure the competence of the applicant to engage in
17 the practice of pharmacy. The board may employ and cooperate with any organization or consultant
18 in the preparation and grading of an appropriate examination, but shall retain the sole discretion
19 and responsibility of determining which applicants have successfully passed such an examination.

20 (3)(a) All applicants for licensure by examination shall obtain professional and practical experi-
21 ence in the practice of pharmacy concurrent with or after college attendance, or both, under such
22 terms and conditions as the board shall determine.

23 (b) The board shall establish standards for internship or any other program necessary to qualify
24 an applicant for the licensure examination based on nationally recognized standards of practice and
25 shall also determine the necessary qualifications of any preceptors used in any internship or other
26 program.

27 (4) Any person who has received a professional degree from a school or college of pharmacy
28 located outside the United States which has not been approved by the board, but who is otherwise
29 qualified to apply for a license to practice pharmacy in the State of Oregon may be deemed to have
30 satisfied the degree requirements of subsection (1)(d) of this section by verification to the board of
31 the academic record and graduation of the person and by meeting such other requirements as the
32 board may establish. The board may require such person to successfully pass an examination or
33 examinations given or approved by the board to establish proficiency in English and equivalency of
34 education of such person with qualified graduates of a degree program referred to in subsection
35 (1)(d) of this section as a prerequisite of taking the licensure examination provided for in subsection
36 (1)(f) of this section.

37 **(5) An applicant meets the requirements of subsection (1)(e) or (3) of this section if the**
38 **applicant provides the board with documentation of military experience that the board de-**
39 **termines is substantially equivalent to the experience required by subsection (1)(e) or (3) of**
40 **this section.**

41 **SECTION 23.** ORS 689.490 is amended to read:

42 689.490. (1) In accordance with any applicable provisions of ORS chapter 183, the State Board
43 of Pharmacy, by rule, shall establish a licensing system for persons who perform the duties of a
44 pharmacy technician. The licensing system shall include but not be limited to the following pro-
45 visions:

1 (a) Prescribing the form and content of and the procedures for submitting an application for the
2 issuance or renewal of a technician license.

3 (b) Prescribing the fee for the original license and for renewal of a license in an amount not to
4 exceed \$50 and the fee for delinquent license renewal in an amount not to exceed \$50.

5 **(c) Allowing an applicant to meet educational and experience requirements by providing**
6 **the board with documentation of military training or experience that is substantially equiv-**
7 **alent to the education or experience required by the board.**

8 (2) The board may refuse to issue or renew, or may suspend, revoke or restrict a technician li-
9 cense:

10 (a) For any reason listed under ORS 689.405 (1);

11 (b) If the applicant is not authorized to work for hire under Oregon law; or

12 (c) For any other grounds that the board, in its discretion, believes would disqualify the appli-
13 cant for a license.

14 (3) Denial of a license under subsection (2) of this section shall be considered a contested case
15 under ORS chapter 183.

16 **SECTION 24.** ORS 690.047 is amended to read:

17 690.047. (1) The Board of Cosmetology may choose to waive all or part of the educational re-
18 quirement for an applicant in a field of practice and allow the applicant to take the certification
19 examination, provided that:

20 (a) The applicant's education or training, **including relevant education or training obtained**
21 **in the military**, is determined by the board to be substantially equivalent to Oregon certification
22 requirements;

23 (b) The applicant is otherwise qualified to take the examination; and

24 (c) The applicant's certification in another state is in good standing.

25 (2) The Oregon Health Licensing Agency may issue a specialty certificate in a field of practice
26 to a practitioner who has:

27 (a) Completed post-graduate education approved by the agency that is separate from the educa-
28 tion or training required for entry-level certification;

29 (b) Passed an examination approved or recognized by the board;

30 (c) Paid the required fees; and

31 (d) Completed prescribed continuing education credits as determined by agency rule.

32 **SECTION 25.** ORS 692.045 is amended to read:

33 692.045. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
34 practice as a funeral service practitioner if the individual meets the following requirements:

35 (a) The individual must apply to the board for a funeral service practitioner's license on an ap-
36 plication form provided by the board.

37 (b) The individual must pass an examination conducted by the board under ORS 692.070 follow-
38 ing application for the funeral service practitioner's license.

39 (c) The individual must successfully complete practical experience as a funeral service
40 practitioner's apprentice under ORS 692.190.

41 (2) An individual may not take an examination under ORS 692.070 until the individual has pro-
42 vided written evidence of graduation from an associate degree program meeting the requirements
43 established by board rule.

44 **(3) An applicant meets the requirements of subsection (1)(c) or (2) of this section if the**
45 **applicant provides the board with documentation of military training or experience that the**

1 **board determines is substantially equivalent to the education or experience required by sub-**
2 **section (1)(c) or (2) of this section.**

3 [(3)] (4) Notwithstanding subsection (2) of this section, an applicant with four years of experi-
4 ence as a licensed funeral service practitioner or embalmer in this state or in another state is not
5 required to provide written evidence of graduation from an associate degree program in order to
6 take the examination under ORS 692.070.

7 **SECTION 26.** ORS 692.105 is amended to read:

8 692.105. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
9 practice as an embalmer if the individual is 18 years of age or older, applies for a license and has
10 successfully met the qualifications described in this section.

11 (2) An individual must apply for a license by applying to the board on an application form pro-
12 vided by the board.

13 (3) An individual applying for a license under this section must meet the following requirements:

14 (a) The individual must complete 12 months of practical experience as an embalmer's apprentice
15 as provided in ORS 692.190.

16 (b) The individual must provide written evidence of graduation from an accredited program of
17 funeral service education.

18 (c) The individual must obtain a passing score on the examination provided in ORS 692.130 or
19 show evidence satisfactory to the board that the individual has successfully passed the National
20 Board Examination as administered by the Conference of Funeral Service Examining Boards.

21 (d) The individual must be knowledgeable in the application of state law.

22 (4) When an individual provides written evidence of graduation from an accredited program of
23 funeral service education, if the individual does not show evidence satisfactory to the **State**
24 **Mortuary and Cemetery** Board, as provided under subsection (3) of this section, that the individual
25 has passed the National Board Examination, the **State Mortuary and Cemetery** Board may exam-
26 ine the individual as provided in ORS 692.130. In any case, however, the board [*shall*] **may** not issue
27 an embalmer's license until an individual has completed the apprenticeship qualification.

28 **(5) An applicant meets the requirements of subsection (3)(a) of this section if the appli-**
29 **cant provides the State Mortuary and Cemetery Board with documentation of military ex-**
30 **perience that the board determines is substantially equivalent to the experience required by**
31 **subsection (3)(a) of this section.**

32 **SECTION 27.** ORS 703.080 is amended to read:

33 703.080. (1) To become a trainee an applicant [*shall*] **must** satisfy ORS 703.090 (1)(a) to (d)
34 and:

35 **(a)** Have graduated from a polygraph examiners course approved by the Department of Public
36 Safety Standards and Training[.]; **or**

37 **(b) Provide documentation of military experience or training that the department deter-**
38 **mines is substantially equivalent to the education required by paragraph (a) of this sub-**
39 **section.**

40 (2) To receive a general license an applicant shall satisfy ORS 703.090 (1)(a) to (g). The trainee
41 shall receive a general license upon satisfaction of ORS 703.090 (1)(e) to (g). The department shall
42 require such proof as is necessary to establish satisfaction of the additional requirements.

43 **SECTION 28.** ORS 703.090 is amended to read:

44 703.090. (1) All of the following requirements apply to an applicant for a license as a general
45 polygraph examiner. The applicant must:

1 (a) Be at least 18 years of age.

2 (b) Be a citizen of the United States.

3 (c) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high
4 degree of probability that the applicant will be unlikely to perform the duties of a polygraph exam-
5 iner in a manner that would serve the interests of the public.

6 (d) If previously convicted for a criminal offense, provide information, as required by the De-
7 partment of Public Safety Standards and Training, relating to the circumstances of the conviction.
8 ORS 670.280 is applicable when the department considers information provided under this paragraph.

9 (e)(A) Have received a baccalaureate degree from a college or university that is accredited by
10 the American Association of Collegiate Registrars and Admissions Officers; or

11 (B) Have graduated from high school or have been awarded a General Educational Development
12 (GED) certificate, and have at least five years of active investigative experience before the date of
13 application.

14 (f) Have graduated from a polygraph examiners course approved by the department and con-
15 forming to any minimum training standards approved by the Board on Public Safety Standards and
16 Training and have satisfactorily completed at least 200 examinations, or have worked as a polygraph
17 examiner for a period of at least five years for a governmental agency within the State of Oregon
18 and have satisfactorily completed at least 200 examinations.

19 (g) Have successfully completed an examination conducted by the department to determine,
20 consistent with any standards approved by the board, competency to act as a polygraph examiner.

21 **(2) An applicant meets the requirements of subsection (1)(e) or (f) of this section if the**
22 **applicant provides the Department of Public Safety Standards and Training with document-**
23 **ation of military training or experience that the department determines is substantially**
24 **equivalent to the education or experience required by subsection (1)(e) or (f) of this section.**

25 [(2)] (3) For the purpose of requesting a state or nationwide criminal records check under ORS
26 181.534, the Department of Public Safety Standards and Training shall require each applicant to be
27 fingerprinted as part of the licensing procedure.

28 [(3)] (4) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain
29 in the department's files fingerprint cards submitted to it for purposes of conducting a state or na-
30 tionwide criminal records check under ORS 181.534 on applicants for a license as a general
31 polygraph examiner.

32 [(4)] (5) When the Department of Public Safety Standards and Training refuses to issue a license
33 based upon an applicant's failure to meet the requirements of subsection (1)(c) of this section, the
34 department shall prepare a concise, specific written statement of the facts supporting the
35 department's conclusion that there is a high degree of probability that the applicant will be unlikely
36 to perform required duties in a manner that would serve the interests of the public. A copy of the
37 statement must be given to the applicant.

38 **SECTION 29.** ORS 703.415 is amended to read:

39 703.415. In order to obtain a private investigator's license, a person:

40 (1) Must be at least 18 years of age;

41 (2) Must be eligible to work in the United States;

42 (3) Must not have committed any act that constitutes grounds for denial of a private
43 investigator's license;

44 (4) Must have obtained a passing score on the test of investigator competency adopted by the
45 Board on Public Safety Standards and Training and administered by the Department of Public Safety

1 Standards and Training;

2 (5) Must submit to fingerprinting and criminal records checks as prescribed by the board by
3 rule;

4 (6) Must have a corporate surety bond, an irrevocable letter of credit issued by an insured in-
5 stitution as defined in ORS 706.008 or such other security as the department may prescribe by rule
6 in the sum of at least \$5,000, or errors and omissions insurance in the sum of at least \$5,000; and

7 (7) Must have at least 1,500 hours of experience in investigatory work, have completed a related
8 course of study approved by the department or have a combination of work experience and educa-
9 tion, **including relevant training and experience obtained in the military**, approved by the de-
10 partment.

11 **SECTION 30.** ORS 807.040 is amended to read:

12 807.040. (1) The Department of Transportation shall issue a driver license to any person who
13 complies with all of the following requirements:

14 (a) The person must complete an application for a license under ORS 807.050.

15 (b) As required by ORS 807.021 and 807.730, the person must provide the Social Security number
16 assigned to the person by the United States Social Security Administration and proof of legal pres-
17 ence in the United States or, if the person is not eligible for a Social Security number, proof of legal
18 presence in the United States and proof that the person is not eligible for a Social Security number.

19 (c) The person must submit to collection of biometric data by the department that establish the
20 identity of the person as described in ORS 807.024.

21 (d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for
22 the license under ORS 807.062.

23 (e) The person must successfully pass all examination requirements under ORS 807.070 for the
24 class of license sought.

25 (f) The person must pay the appropriate license fee under ORS 807.370 for the class of license
26 sought.

27 (g) The person must pay the Student Driver Training Fund eligibility fee.

28 (h) If the application is for a commercial driver license, the person must be the holder of a Class
29 C license or any higher class of license.

30 (i) If the application is for a commercial driver license, the person must submit to the depart-
31 ment, in a form approved by the department, the report of a medical examination that establishes
32 that the person meets the medical requirements for the particular class of license. The department,
33 by rule, shall establish medical requirements for purposes of this paragraph. The medical require-
34 ments established under this paragraph may include any requirements the department determines
35 are necessary for the safe operation of vehicles permitted to be operated under the class of license
36 for which the requirements are established.

37 (j) If the application is for a commercial driver license, the person must:

38 (A) Have at least one year's driving experience, **including relevant experience obtained in**
39 **the military**;

40 (B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

41 (C) Not be otherwise ineligible to hold a commercial driver license.

42 (2) The department shall work with other agencies and organizations to attempt to improve the
43 issuance system for driver licenses.

44 **SECTION 31.** (1) **The amendments to ORS 181.875, 342.195, 672.105, 672.118, 675.030,**
45 **675.240, 675.250, 678.442, 680.515, 680.520, 684.040, 688.050, 688.455, 688.650, 688.720, 688.815,**

1 688.819, 689.255, 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and 807.040 by
2 sections 1 to 6 and 8 to 30 of this 2012 Act apply to applications for licenses, certificates and
3 registrations submitted on or after the effective date of this 2012 Act.

4 (2) The amendments to ORS 677.512 by section 7 of this 2012 Act apply to applications for
5 renewal of a license submitted on or after the effective date of this 2012 Act.

6 SECTION 32. This 2012 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
8 on its passage.

9
