

House Bill 4063

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 **as introduced**.

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.

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, 672.105, 672.118, 675.030, 675.240, 675.250, 677.512, 678.442,
4 680.515, 680.520, 681.260, 681.264, 681.360, 684.040, 688.050, 688.455, 688.650, 688.720, 688.815,
5 688.819, 689.255, 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and 807.040; and de-
6 claring an emergency.

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-
25 cation of certification as a private security professional or instructor.

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-

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 neering and Land Surveying.

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

3 (a) The board shall adopt rules to consider an applicant’s work experience[,] or education, or
 4 other relevant factors, in lieu of a degree in engineering as qualification for the fundamentals in
 5 engineering examination.

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

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

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

12 672.118. (1) As minimum evidence of qualification for the fundamentals examination in land
 13 surveying, an applicant shall provide evidence of graduation in an approved land surveying or pho-
 14 togrammetric mapping curriculum of four years or more from a school or college approved by the
 15 State Board of Examiners for Engineering and Land Surveying.

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

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

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

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

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

25 675.030. (1) Upon application for licensure accompanied by the established fee, the State Board
 26 of Psychologist Examiners shall issue a psychologist license to *[any]* **an** applicant who performs to
 27 the satisfaction of the board in examinations prescribed by the board and furnishes evidence satis-
 28 factory to the board that the applicant:

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

31 (b) Holds a doctoral degree in psychology[, *such degree having been obtained*] from an approved
 32 doctoral program in psychology;

33 (c) Has satisfactorily completed *[such]* courses and training *[as may be]* required by the board;

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

35 (A) Under the direction of a psychologist licensed in Oregon or under the direction of a person
 36 considered by the board to have equivalent supervisory competence; *[and]* **or**

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

38 (e) Is of good moral character. For purposes of this section, the lack of good moral character
 39 may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct
 40 *[which]* **that** would cause a reasonable person to have substantial doubts about the individual’s
 41 honesty, fairness and respect for the rights of others and for the laws of the state and the nation.
 42 The conduct or acts in question must be rationally connected to the applicant’s fitness to practice
 43 psychology.

44 (2) The board shall adopt rules by which a person receiving post-doctoral supervision during the
 45 application process may enter into a contract to practice psychology under the supervision of a li-

1 censed psychologist, psychologist associate or a person considered by the board to have equivalent
 2 supervisory competence. An applicant who enters such a contract shall be designated as a psy-
 3 chologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS
 4 675.010 to 675.150.

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

6 675.240. (1) Except as provided in ORS 675.270, [each] **an** applicant for licensure under ORS
 7 675.210 to 675.340 as an occupational therapist [shall] **must**:

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

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

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

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

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

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

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

24 675.250. (1) Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to
 25 675.340 as an occupational therapy assistant shall:

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

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

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

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

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

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

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

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

42 677.512. (1) A person seeking licensure as a physician assistant shall complete an application
 43 form provided by the Oregon Medical Board and submit the form to the board, accompanied by
 44 nonrefundable fees for the application and for the license in amounts determined by rule of the
 45 board.

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

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

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

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

(B) Has military training or experience that the board determines is substantially equivalent to the education required by subparagraph (A) of this paragraph;

(d) Has passed the initial national examination required of physician assistants to become nationally certified;

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

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

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

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

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

SECTION 8. ORS 678.442 is amended to read:

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

(a) Submits an application;

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

(B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; and

(c) Passes a board approved examination.

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

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

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

(c) Impairment as defined in ORS 676.303.

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

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

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

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

(4) Notwithstanding ORS 192.501, the board may use the results of a nursing assistant examination for the continuing education of applicants for certification as a nursing assistant.

SECTION 9. ORS 680.515 is amended to read:

680.515. (1) Subject to the provisions of ORS 676.612, upon application accompanied by payment

1 of required fees, the Oregon Health Licensing Agency shall issue a license to practice denture
 2 technology to [any] **an** applicant who [*submits proof satisfactory to the agency that the applicant has*
 3 *completed all requirements for licensure, which include, but are not limited to*]:

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

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

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

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

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

25 [(2)] **(3)** Notwithstanding subsection (1)(a) of this section, the [*State Board of Denture*
 26 *Technology*] **board** may accept educational training obtained in any other state or country if, upon
 27 review of satisfactory evidence, the agency determines that the educational program in the other
 28 state or country meets the educational standards prescribed under this section.

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

33 [(3)] **(5)** Notwithstanding subsection (1)(c) of this section, the agency may adopt rules providing
 34 for waiver of the practical examination requirement.

35 [(4)] **(6)** The agency may adopt rules allowing for issuance of a temporary license to practice
 36 denture technology.

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

38 680.520. (1) Examinations of applicants for licensure under ORS 680.500 to 680.565 shall be held
 39 at least once a year at such times and places as the State Board of Denture Technology may de-
 40 termine. Timely and appropriate notice shall be given to each applicant.

41 (2) The examination shall be sufficiently thorough to determine the qualifications, fitness and
 42 ability of the applicant to practice denture technology. The examination may be in the form of
 43 written, oral or practical demonstration of skills, or a combination of any such types. The exam-
 44 ination shall cover at least subjects listed in ORS 680.515 [(1)(a)] **(2)** and any additional subjects
 45 required by the Oregon Health Licensing Agency by rule that are based on changes in industry

1 technology, health care delivery systems, client safety or scientific infection control techniques.

2 **SECTION 11.** ORS 681.260 is amended to read:

3 681.260. (1) An applicant is eligible for licensing by the State Board of Examiners for Speech-
4 Language Pathology and Audiology as a speech-language pathologist if the applicant:

5 [(1)] (a) Possesses a master’s or doctoral degree in speech-language pathology from an educa-
6 tional institution accredited by an accrediting organization approved by the board, or an equivalent
7 degree as determined by the board;

8 [(2)] (b) Completed all requirements for the degree required by [subsection (1) of this section]
9 **paragraph (a) of this subsection** at an educational institution accredited by an accrediting or-
10 ganization approved by the board;

11 [(3)] (c) Has completed supervised clinical experience required by the board by rule;

12 [(4)] (d) Has passed examinations required by the board by rule; and

13 [(5)] (e) Meets other requirements established by the board by rule.

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

17 **SECTION 12.** ORS 681.264 is amended to read:

18 681.264. (1) An applicant is eligible for licensing by the State Board of Examiners for Speech-
19 Language Pathology and Audiology as an audiologist if the applicant:

20 [(1)] (a) Possesses a degree from an educational institution accredited by an accrediting organ-
21 ization approved by the board that meets the following requirements:

22 [(a)] (A) If the degree was awarded on or before August 30, 2007, the applicant must possess a
23 master’s or doctoral degree in audiology; or

24 [(b)] (B) If the degree was awarded after August 30, 2007, the applicant must possess a doctoral
25 degree with an emphasis in audiology, or an equivalent degree as determined by the board;

26 [(2)] (b) Completed all requirements for the degree required by [subsection (1) of this section]
27 **paragraph (a) of this subsection** at an educational institution accredited by an accrediting or-
28 ganization approved by the board;

29 [(3)] (c) Has completed supervised clinical experience required by the board by rule;

30 [(4)] (d) Has passed examinations required by the board by rule; and

31 [(5)] (e) Meets other requirements established by the board by rule.

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

35 **SECTION 13.** ORS 681.360 is amended to read:

36 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or
37 use the title speech-language pathology assistant without a certificate [to do so] issued under this
38 section.

39 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a
40 person [shall] **must:**

41 (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-
42 Language Pathology and Audiology;

43 (b) Pay the certificate fee established by the board;

44 (c) Demonstrate that the person meets the qualifications for certification established by the
45 board; and

1 (d) Comply with all other requirements for certification established by the board.

2 (3) A certificate issued under this section expires every two years. To renew a certificate to
 3 perform the duties of a speech-language pathology assistant, a person shall:

4 (a) Submit the renewal application in the form prescribed by the board;

5 (b) Pay the renewal fee established by the board; and

6 (c) Comply with all other requirements for certificate renewal established by the board, includ-
 7 ing but not limited to submission of evidence of participation in professional development activities.

8 (4) A person may not employ or otherwise use the services of a speech-language pathology as-
 9 sistant unless the speech-language pathology assistant is certified under this section.

10 (5) The board may establish by rule qualifications and conditions under which a person not li-
 11 censed under this chapter who holds a basic or standard teaching license in speech impaired or an
 12 initial or continuing teaching license in communication disorders issued by the Teacher Standards
 13 and Practices Commission may supervise a speech-language pathology assistant working in a school.

14 **(6) An applicant meets educational or experience qualifications for certification as a**
 15 **speech-language pathology assistant if the applicant provides the board with documentation**
 16 **of military training or experience that the board determines is substantially equivalent to the**
 17 **training or experience requirements established by the board under subsection (2)(c) and (d)**
 18 **of this section.**

19 [(6)] (7) The board may refuse to issue a certificate, or may suspend or revoke the certificate,
 20 of any certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

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

22 684.040. (1) Any person applying for a license to practice chiropractic in this state shall make
 23 application to the State Board of Chiropractic Examiners, upon such form and in such manner as
 24 may be provided by the board. The application must be accompanied by nonrefundable fees of:

25 (a) \$150; and

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

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

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

29 (b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January
 30 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

31 (c) Evidence of successful completion of at least two years of liberal arts and sciences study, in
 32 any college or university accredited by either the Northwest Association of Schools and Colleges
 33 or a like regional association or in any college or university in Oregon approved for granting de-
 34 grees by the Oregon Student Access Commission.

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

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

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

1 [(3)] (4) The State Board of Chiropractic Examiners may waive the requirements of subsection
 2 (2)(c) of this section for any applicant for a license to practice chiropractic if the applicant is li-
 3 censed in another state and practiced chiropractic in that state, but the applicant must pass the
 4 examination authorized by ORS 684.050 or by ORS 684.052.

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

6 688.050. (1) Each applicant for a license as a physical therapist shall:

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

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

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

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

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

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

20 (a) Provide evidence satisfactory to the board that the applicant's physical therapy education
 21 program is recognized or accredited and that the applicant's education is substantially equivalent
 22 to the education of physical therapists who graduated from accredited physical therapy education
 23 programs approved by the board. If the board determines that the education of an applicant who
 24 graduated from a physical therapy education program outside the United States is not substantially
 25 equivalent, the board may require the applicant to complete additional course work before the board
 26 proceeds with the application process.

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

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

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

31 (3) If an applicant who has been educated outside the United States is a graduate of an ac-
 32 credited physical therapy education program approved by the board, the board may waive the re-
 33 quirements of subsection (2)(a) and (b) of this section.

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

35 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
 36 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
 37 lished by the board and if the person, at the time of application:

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

39 (b) Has graduated from an approved school;

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

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

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

45 (f) Meets the standards of ethical conduct established in the professional standards of the cor-

1 responding credentialing organization or a medical imaging modality’s professional society; and

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

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

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

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

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

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

16 688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical
17 imaging modality if the person makes an application in writing and pays a fee in an amount estab-
18 lished by the board and if the person, at the time of application:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 688.650. (1)(a) When application has been made as required under ORS 688.640, the Oregon
45 Health Authority shall certify *[the]* **an** applicant as a hemodialysis technician if *[it finds]* **the au-**

1 **thority finds that the applicant:**

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

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

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

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

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

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

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

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

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

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

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

27 (5) Each certification issued under this section, unless sooner suspended or revoked, shall expire
28 and be renewable after a period of two years. Each certificate must be renewed on or before June
29 30 of every second year or on or before such date as may be specified by authority rule. The au-
30 thority by rule shall establish a schedule of certificate renewals under this subsection and shall
31 prorate the fees to reflect any shorter certificate period.

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

33 688.720. [*An applicant for*] **The Board of Athletic Trainers shall issue a** registration as an
34 athletic trainer under ORS 688.701 to 688.734 [*shall be issued a registration if the*] **to an** applicant
35 **who** has:

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

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

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

42 (2) Successfully completed the certification examination administered by the National Athletic
43 Trainers Association Board of Certification or equivalent examination approved or recognized by the
44 Board of Athletic Trainers;

45 (3) Completed any other requirements for registration as determined by the Board of Athletic

1 Trainers and adopted by rule;

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

4 (5) Paid all fees required for registration.

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

6 688.815. (1) An applicant for a license to practice respiratory care shall:

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

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

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

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

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

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

20 [(2)] **(3)** The agency may issue a license to practice respiratory care by endorsement or
21 reciprocity to:

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

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

28 [(3)] **(4)** Except as provided in subsection [(7)] **(8)** of this section, all licenses expire on the last
29 day of the month, one year from the date of issuance.

30 [(4)] **(5)** To renew a license to practice respiratory care, a licensee must submit to the agency
31 a completed renewal application, required renewal fee and satisfactory evidence of completion of
32 any required continuing education credits on or before the expiration date of the license as specified
33 by agency rule.

34 [(5)] **(6)** The agency shall adopt by rule requirements for late renewal of a license, reactivation
35 of an expired license or reinstatement of a license that has been expired for more than three con-
36 secutive years.

37 [(6)] **(7)** If the license of a respiratory care practitioner has been denied, suspended or revoked
38 for commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the
39 license for up to one year from the date of denial, suspension or revocation.

40 [(7)] **(8)** The agency may vary the date of license renewal by giving the applicant written notice
41 of the renewal date being assigned and by making prorated adjustments to the renewal fee.

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

43 688.819. (1) An applicant for a polysomnographic technologist license shall:

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

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

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

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

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

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

10 [(2)] (3) The agency may issue a polysomnographic technologist license by endorsement or
 11 reciprocity to:

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

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

16 [(3)] (4) Except as provided in subsection [(7)] (8) of this section, all licenses expire on the last
 17 day of the month, one year from the date of issuance.

18 [(4)] (5) To renew a polysomnographic technologist license, a licensee must submit to the agency
 19 a completed renewal application, required renewal fee and satisfactory evidence of completion of
 20 any required continuing education credits on or before the expiration date of the license as specified
 21 by agency rule.

22 [(5)] (6) The agency shall adopt by rule requirements for late renewal of a license, reactivation
 23 of an expired license or reinstatement of a license that has been expired for more than three con-
 24 secutive years.

25 [(6)] (7) If a polysomnographic technologist license has been denied, suspended or revoked for
 26 commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the li-
 27 cense for up to one year from the date of denial, suspension or revocation.

28 [(7)] (8) The agency may vary the date of license renewal by giving the applicant written notice
 29 of the renewal date being assigned and by making prorated adjustments to the renewal fee.

30 [(8)] (9) The agency may issue a temporary permit to practice polysomnography in accordance
 31 with rules adopted by the agency.

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

33 689.255. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure
 34 by examination shall:

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

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

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

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

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

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

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

45 (2)(a) The board shall approve the content and subject matter of each examination and deter-

1 mine which persons have successfully passed the examination.

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

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

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

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

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

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

28 689.490. (1) In accordance with any applicable provisions of ORS chapter 183, the State Board
 29 of Pharmacy, by rule, shall establish a licensing system for persons who perform the duties of a
 30 pharmacy technician. The licensing system shall include but not be limited to the following pro-
 31 visions:

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

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

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

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

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

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

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

45 (3) Denial of a license under subsection (2) of this section shall be considered a contested case

1 under ORS chapter 183.

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

3 690.047. (1) The Board of Cosmetology may choose to waive all or part of the educational re-
4 quirement for an applicant in a field of practice and allow the applicant to take the certification
5 examination, provided that:

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

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

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

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

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

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

16 (c) Paid the required fees; and

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

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

19 692.045. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
20 practice as a funeral service practitioner if the individual meets the following requirements:

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

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

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

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

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

34 [(3)] (4) Notwithstanding subsection (2) of this section, an applicant with four years of experi-
35 ence as a licensed funeral service practitioner or embalmer in this state or in another state is not
36 required to provide written evidence of graduation from an associate degree program in order to
37 take the examination under ORS 692.070.

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

39 692.105. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
40 practice as an embalmer if the individual is 18 years of age or older, applies for a license and has
41 successfully met the qualifications described in this section.

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

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

45 (a) The individual must complete 12 months of practical experience as an embalmer's apprentice

1 as provided in ORS 692.190.

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

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

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

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

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

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

19 703.080. (1) To become a trainee an applicant [*shall*] **must** satisfy ORS 703.090 (1)(a) to (d)
20 and:

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

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

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

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

30 703.090. (1) All of the following requirements apply to an applicant for a license as a general
31 polygraph examiner. The applicant must:

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

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

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

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

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

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

45 (f) Have graduated from a polygraph examiners course approved by the department and con-

1 forming to any minimum training standards approved by the Board on Public Safety Standards and
 2 Training and have satisfactorily completed at least 200 examinations, or have worked as a polygraph
 3 examiner for a period of at least five years for a governmental agency within the State of Oregon
 4 and have satisfactorily completed at least 200 examinations.

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

7 **(2) An applicant meets the requirements of subsection (1)(e) or (f) of this section if the**
 8 **applicant provides the department with documentation of military training or experience that**
 9 **the board determines is substantially equivalent to the education or experience required by**
 10 **subsection (1)(e) or (f) of this section.**

11 [(2)] (3) For the purpose of requesting a state or nationwide criminal records check under ORS
 12 181.534, the Department of Public Safety Standards and Training shall require each applicant to be
 13 fingerprinted as part of the licensing procedure.

14 [(3)] (4) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain
 15 in the department's files fingerprint cards submitted to it for purposes of conducting a state or na-
 16 tionwide criminal records check under ORS 181.534 on applicants for a license as a general
 17 polygraph examiner.

18 [(4)] (5) When the Department of Public Safety Standards and Training refuses to issue a license
 19 based upon an applicant's failure to meet the requirements of subsection (1)(c) of this section, the
 20 department shall prepare a concise, specific written statement of the facts supporting the
 21 department's conclusion that there is a high degree of probability that the applicant will be unlikely
 22 to perform required duties in a manner that would serve the interests of the public. A copy of the
 23 statement must be given to the applicant.

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

25 703.415. In order to obtain a private investigator's license, a person:

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

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

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

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

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

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

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

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

43 807.040. (1) The Department of Transportation shall issue a driver license to any person who
 44 complies with all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **SECTION 31. The amendments to ORS 181.875, 672.105, 672.118, 675.030, 675.240, 675.250,**
31 **677.512, 678.442, 680.515, 680.520, 681.260, 681.264, 681.360, 684.040, 688.050, 688.455, 688.650,**
32 **688.720, 688.815, 688.819, 689.255, 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and**
33 **807.040 by sections 1 to 30 of this 2012 Act apply to applications for licenses, certificates and**
34 **registrations submitted on or after the effective date of this 2012 Act.**

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

38