

House Bill 2059

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

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 licensee of health professional regulatory board to report prohibited conduct to board. Requires board that receives report from licensee to report to board of licensee who engaged in prohibited conduct.

A BILL FOR AN ACT

1
2 Relating to health professional regulatory boards; creating new provisions; and amending ORS
3 675.583, 675.600, 675.785, 677.265, 678.135, 678.150, 678.725, 678.820, 679.250, 679.310, 681.420,
4 681.505, 683.270, 684.150, 684.200, 687.115, 688.135, 688.160, 688.605, 689.135, 689.455 and 691.505.

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

6 **SECTION 1. (1) As used in this section:**

7 (a) **"Board" means the:**

8 (A) **State Board of Examiners for Speech-Language Pathology and Audiology;**

9 (B) **State Board of Chiropractic Examiners;**

10 (C) **State Board of Clinical Social Workers;**

11 (D) **Oregon Board of Licensed Professional Counselors and Therapists;**

12 (E) **Oregon Board of Dentistry;**

13 (F) **Board of Examiners of Licensed Dietitians;**

14 (G) **State Board of Massage Therapists;**

15 (H) **Board of Naturopathic Examiners;**

16 (I) **Oregon State Board of Nursing;**

17 (J) **Board of Examiners of Nursing Home Administrators;**

18 (K) **Oregon Board of Optometry;**

19 (L) **State Board of Pharmacy;**

20 (M) **Oregon Medical Board;**

21 (N) **Occupational Therapy Licensing Board;**

22 (O) **Physical Therapist Licensing Board;**

23 (P) **State Board of Psychologist Examiners;**

24 (Q) **Board of Radiologic Technology;**

25 (R) **State Board of Direct Entry Midwifery;**

26 (S) **State Board of Denture Technology; or**

27 (T) **Respiratory Therapist Licensing Board.**

28 (b) **"Licensee" means a health professional licensed or certified by or registered with a**
29 **board.**

30 (c) **"Person" means a patient or client of a licensee.**

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 (d) **“Prohibited conduct” means conduct involving a person by a licensee that another**
 2 **licensee reasonably believes constitutes grounds for discipline by that licensee’s board.**

3 (2) **A licensee who has reasonable cause to believe that a licensee of another board has**
 4 **engaged in prohibited conduct shall immediately report the prohibited conduct to the re-**
 5 **porting licensee’s board.**

6 (3) **The board for the reporting licensee shall submit within 30 days a report to the board**
 7 **for the licensee who engaged in the prohibited conduct.**

8 (4) **The board for the licensee who engaged in the prohibited conduct may take any action**
 9 **the board determines is appropriate.**

10 **SECTION 2.** ORS 681.505 is amended to read:

11 681.505. (1)(a) *[Any]* **A licensee of the State Board of Examiners for Speech-Language Pathology**
 12 **and Audiology shall[, and any other person may,] report to the board any suspected violation of this**
 13 **chapter or any prohibited conduct in the manner provided in section 1 of this 2009 Act.**

14 **(b) Any person may report to the board any suspected violation of this chapter.**

15 (2) A person who has made a complaint as to the conduct of an applicant, licensee or conditional
 16 licensee of the board or who has given information or testimony relative to a proposed or pending
 17 proceeding for misconduct against the applicant, licensee or conditional licensee of the board is not
 18 answerable for any such act in any proceeding except for perjury.

19 **SECTION 3.** ORS 681.420 is amended to read:

20 681.420. The State Board of Examiners for Speech-Language Pathology and Audiology shall:

21 (1) Administer, coordinate and enforce the provisions of this chapter;

22 (2) Evaluate the qualifications of applicants for any license as issued under this chapter and
 23 supervise the examination of such applicants;

24 (3) Investigate persons engaging in practices which violate the provisions of this chapter;

25 (4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly
 26 dispatch of business;

27 (5) Adopt rules and regulations, including but not limited to governing ethical standards of
 28 practice under this chapter; and

29 (6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the pro-
 30 ceedings, records and acts of the board, signed by the executive director or chairperson of the board
 31 and stamped with the seal, shall be prima facie evidence of the truth of such documents.

32 **(7) Upon receipt of a report from a licensee under section 1 of this 2009 Act, submit a**
 33 **report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
 34 **engaged in the prohibited conduct.**

35 **SECTION 4.** ORS 684.200 is amended to read:

36 684.200. (1)(a) Any licensee licensed by the State Board of Chiropractic Examiners shall[, and
 37 *any other person may,*] report to the board any suspected *[violations]* **violation** of this chapter **or**
 38 **any prohibited conduct in the manner provided in section 1 of this 2009 Act.**

39 **(b) Any person may report to the board any suspected violation of this chapter.**

40 (2) Information pertaining to *[the]* a report required by subsection (1) of this section shall remain
 41 confidential and *[not be]* **is not** subject to public disclosure except as considered necessary by the
 42 board in the enforcement of this chapter.

43 (3) Any person who reports or provides information to the board under this section in good faith
 44 *[shall not be]* **is not** subject to an action for civil damages as a result thereof.

45 **SECTION 5.** ORS 684.150 is amended to read:

1 684.150. (1) The State Board of Chiropractic Examiners shall adopt a seal which shall be affixed
 2 to all licenses issued by it. The board shall from time to time adopt such rules as it deems proper
 3 and necessary for the administration of this chapter and the performance of its work. Upon receipt
 4 of a complaint, the board has authority to make investigations, administer oaths, take affidavits,
 5 summon witnesses, and require the production of evidence, documents and records pertaining to the
 6 complaint. The board may also take testimony as to matters pertaining to its duties and for the
 7 administration of this chapter. A majority of the board constitutes a quorum.

8 (2) The board shall meet as a board of examiners during the months of January and July each
 9 year on such days and at such times and places as may be found necessary for the performance of
 10 its duties.

11 (3) The board shall adopt a schedule of minimum educational requirements, which shall be
 12 without prejudice or discrimination as to the different colleges teaching chiropractic.

13 **(4) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
 14 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
 15 **licensee who engaged in the prohibited conduct.**

16 **SECTION 6.** ORS 675.583 is amended to read:

17 675.583. (1) A licensed clinical social worker shall report to the State Board of Clinical Social
 18 Workers any information the licensed clinical social worker has that:

19 **(a)** Appears to show that a licensed clinical social worker is or may be an impaired clinical
 20 social worker, or may be guilty of unprofessional conduct according to the guidelines of the code
 21 of ethics, to the extent that disclosure does not conflict with the requirements of ORS 675.580; **or**

22 **(b) May constitute prohibited conduct as provided in section 1 of this 2009 Act.**

23 (2) Any information that the board obtains pursuant to subsection (1) of this section is confi-
 24 dential as provided under ORS 676.175.

25 (3) Any person who reports or provides information to the board under subsection (1) of this
 26 section in good faith shall not be subject to an action for civil damages as a result thereof.

27 **SECTION 7.** ORS 675.600 is amended to read:

28 675.600. (1) The State Board of Clinical Social Workers shall:

29 (a) Pursuant to ORS chapter 183, make rules necessary to carry out the provisions of ORS
 30 675.510 to 675.600;

31 (b) Publish annually a list of the names and addresses of all persons who have been certified
 32 or licensed under ORS 675.510 to 675.600;

33 (c) Establish a program for impaired clinical social workers to assist licensed clinical social
 34 workers to regain or retain their certification or licensure and impose the requirement of partic-
 35 ipation as a condition to reissuance or retention of the certificate or license;

36 (d) Establish a voluntary arbitration procedure that may be invoked with the consent of clients
 37 and the licensed clinical social workers whereby disputes between clients and workers may be re-
 38 solved; and

39 (e) Report to the Legislative Assembly on its activities regarding the certification or licensure
 40 of clinical social workers during the preceding biennium.

41 **(2) Upon receipt of a report from a licensee under section 1 of this 2009 Act, submit a**
 42 **report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
 43 **engaged in the prohibited conduct.**

44 [(2)] (3) The board may appoint an administrator who shall not be a member of the board. The
 45 board shall fix the compensation for the administrator.

1 **SECTION 8.** Section 9 of this 2009 Act is added to and made a part of ORS 675.715 to
2 **675.835.**

3 **SECTION 9.** A licensee who has reasonable cause to believe that a licensee of another
4 board has engaged in prohibited conduct shall report the prohibited conduct to the Oregon
5 Board of Licensed Professional Counselors and Therapists in the manner provided in section
6 **1 of this 2009 Act.**

7 **SECTION 10.** ORS 675.785 is amended to read:

8 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following
9 powers:

10 (1) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules
11 necessary for the administration of the laws the board is charged with administering.

12 (2) Subject to any applicable provisions of the State Personnel Relations Law, the board may
13 appoint, prescribe the duties and fix the compensation of an administrator and other employees of
14 the board necessary to carry out the duties of the board.

15 (3) The board may impose nonrefundable fees in an amount set by rule for the following:

16 (a) License application.

17 (b) First issuance of a license.

18 (c) Renewal of a license.

19 (d) Late filing of a license renewal.

20 (e) Renewal of registration as an intern.

21 (f) Examinations. Examination fees shall not exceed the costs incurred in administering the
22 particular examination. Fees established under this subsection are subject to prior approval of the
23 Oregon Department of Administrative Services and a report to the Emergency Board prior to
24 adopting the fees and shall be within the budget authorized by the Legislative Assembly as that
25 budget may be modified by the Emergency Board.

26 (4) The board shall:

27 (a) Maintain a register of all current licensed professional counselors and marriage and family
28 therapists.

29 (b) Annually publish a directory listing all current licensed professional counselors and marriage
30 and family therapists. The directory shall be available to the public, for which the board may collect
31 a publication fee.

32 (5) The board shall:

33 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted
34 under authority of the board.

35 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon re-
36 ceipt of a complaint under ORS 675.715 to 675.835 against any licensed or unlicensed person, the
37 board shall conduct an investigation as described under ORS 676.165.

38 (6) The board shall report to the Legislative Assembly concerning the activities of the board
39 during the preceding biennium.

40 (7) The board shall form standards committees to establish, examine and pass on the qualifica-
41 tions of applicants to practice professional counseling or marriage and family therapy in this state.
42 The standards committee for professional counselors shall be made up of the professional counselors
43 on the board, the faculty member and the public member. The standards committee for marriage and
44 family therapists shall be made up of the marriage and family members of the board, the faculty
45 member and the public member.

1 (8) The board shall grant licenses to applicants who qualify to practice professional counseling
2 or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the
3 rules of the board.

4 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas
5 to compel the attendance of witnesses and the production of documents or written information nec-
6 essary to carry out ORS 675.715 to 675.835.

7 (10) The board may adopt a seal to be affixed to all licenses.

8 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes
9 of professional counseling and marriage and family therapy associations as models for the code es-
10 tablished by the board.

11 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,
12 including, but not limited to, the adoption of rules to establish semester hour equivalents for quali-
13 fication for licensing where quarter hours are required under ORS 675.715 to 675.835.

14 (13) The board shall require the applicant for a professional counselor license or a marriage and
15 family therapy license to receive a passing score on an examination of competency in counseling
16 or marriage and family therapy. The examination may be the examination given nationally to certify
17 counselors, or in the case of marriage and family therapy, the examination approved by the Associ-
18 ation of Marital and Family Therapy Regulatory Boards.

19 (14) The standards committee shall establish standards and requirements for continuing educa-
20 tion and supervision, as appropriate. [*The standards and requirements shall be in effect July 1,*
21 *1992.*]

22 (15) The board shall establish a program for licensees whose ability to perform professional
23 counseling is impaired to assist those licensees in regaining or retaining their licensure and shall
24 impose the requirement of participation as a condition to reissuance or retention of the license.

25 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
26 181.534, the board may require the fingerprints of a person who is:

27 (a) Applying for a license that is issued by the board;

28 (b) Applying for renewal of a license that is issued by the board; or

29 (c) Under investigation by the board.

30 **(17) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
31 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
32 **licensee who engaged in the prohibited conduct.**

33 **SECTION 11.** ORS 679.310 is amended to read:

34 679.310. (1)(a) Any dentist or dental hygienist, **or** any person licensed by the Oregon Board of
35 Dentistry, [*the Oregon Dental Association or any other organization representing dentists or dental*
36 *hygienists*] shall[, *and any other person may,*] report to the board any suspected violation of this
37 chapter or ORS 680.010 to 680.205 [*or any rule adopted pursuant to either*], **any prohibited conduct**
38 **in the manner provided in section 1 of this 2009 Act or any rule adopted by the board.**

39 **(b) The Oregon Dental Association or any other organization representing dentists or**
40 **dental hygienists shall report to the board any suspected violation of this chapter or ORS**
41 **680.010 to 680.205 or any rule adopted by the board, association or other organization repre-**
42 **senting dentists or dental hygienists.**

43 **(c) Any person may report to the board any suspected violation of this chapter or ORS**
44 **680.010 to 680.205 or any rule adopted by the board, association or other organization repre-**
45 **senting dentists or dental hygienists.**

1 (2) This section is not intended to require any person working on or with the Oregon Dental
 2 Association's Dentist Well Being Committee or Peer Review Committee or the Quality Assurance
 3 or Peer Review Committee of the Oregon Dental Hygienists' Association to report to the board any
 4 confidential information received within the scope of duties with that committee.

5 [2] (3) No person who has made a complaint as to the conduct of a licensee of the board or
 6 who has given information or testimony relative to a proposed or pending proceeding for misconduct
 7 against the licensee of the board, shall be answerable for any such act in any proceeding except for
 8 perjury.

9 **SECTION 12.** ORS 679.250 is amended to read:

10 679.250. The powers and duties of the Oregon Board of Dentistry are as follows:

11 (1) To, during the month of April of each year, organize and elect from its membership a presi-
 12 dent who shall hold office for one year, or until the election and qualification of a successor. The
 13 board shall appoint an administrative officer who shall discharge such duties as the board shall,
 14 from time to time, prescribe.

15 (2) To authorize all necessary disbursements to carry out the provisions of this chapter, includ-
 16 ing but not limited to, payment for necessary supplies, office equipment, books and expenses for the
 17 conduct of examinations, payment for legal and investigative services rendered to the board, and
 18 such other expenditures as are provided for in this chapter.

19 (3) To employ such inspectors, examiners, special agents, investigators, clerical assistants, as-
 20 sistants and accountants as are necessary for the investigation and prosecution of alleged violations
 21 and the enforcement of this chapter and for such other purposes as the board may require. Nothing
 22 in this chapter shall be construed to prevent assistance being rendered by an employee of the board
 23 in any hearing called by it. However, all obligations for salaries and expenses incurred under this
 24 chapter shall be paid from the fees accruing to the board under this chapter and not otherwise.

25 (4)(a) To conduct examinations of applicants for license to practice dentistry and dental hygiene
 26 at least twice in each year.

27 (b) In conducting examinations for licensure, the board may enter into a compact with other
 28 states for conducting regional examinations with other board of dental examiners concerned, or by
 29 a testing service recognized by such boards.

30 (5) To meet for the transaction of other business at the call of the president. A majority of board
 31 members shall constitute a quorum. A majority vote of those present shall be a decision of the entire
 32 board. The board's proceedings shall be open to public inspection in all matters affecting public in-
 33 terest.

34 (6) To keep an accurate record of all proceedings of the board and of all its meetings, of all
 35 receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for
 36 license to practice dentistry, with the names and qualifications for examination of any person ex-
 37 amined, together with the addresses of those licensed and the results of such examinations, a record
 38 of the names of all persons licensed to practice dentistry in Oregon together with the addresses of
 39 all such persons having paid the license fee prescribed in ORS 679.120 and the names of all persons
 40 whose license to practice has been revoked or suspended.

41 (7) To make and enforce rules necessary for the procedure of the board, for the conduct of ex-
 42 aminations, for regulating the practice of dentistry, and for regulating the services of dental
 43 hygienists and dental auxiliary personnel not inconsistent with the provisions of this chapter. As
 44 part of such rules, the board may require the procurement of a permit or other certificate. Any
 45 permit issued may be subject to periodic renewal. In adopting rules, the board shall take into ac-

1 count all relevant factors germane to an orderly and fair administration of this chapter and of ORS
 2 680.010 to 680.205, the practices and materials generally and currently used and accepted by persons
 3 licensed to practice dentistry in this state, dental techniques commonly in use, relevant technical
 4 reports published in recognized dental journals, the curriculum at accredited dental schools, the
 5 desirability of reasonable experimentation in the furtherance of the dental arts, and the desirability
 6 of providing the highest standard of dental care to the public consistent with the lowest economic
 7 cost.

8 (8) Upon its own motion or upon any complaint, to initiate and conduct investigations of and
 9 hearings on all matters relating to the practice of dentistry, the discipline of licensees, or pertaining
 10 to the enforcement of any provision of this chapter. In the conduct of investigations or upon the
 11 hearing of any matter of which the board may have jurisdiction, the board may take evidence, ad-
 12 minister oaths, take the depositions of witnesses, including the person charged, in the manner pro-
 13 vided by law in civil cases, and compel their appearance before it in person the same as in civil
 14 cases, by subpoena issued over the signature of an employee of the board and in the name of the
 15 people of the State of Oregon, require answers to interrogatories, and compel the production of
 16 books, papers, accounts, documents and testimony pertaining to the matter under investigation or
 17 to the hearing. In all investigations and hearings, the board and any person affected thereby may
 18 have the benefit of counsel, and all hearings shall be held in compliance with ORS chapter 183.
 19 Notwithstanding ORS 676.165, 676.175 and 679.320, if a licensee who is the subject of an investi-
 20 gation or complaint is to appear before members of the board investigating the complaint, the board
 21 shall provide the licensee with a current summary of the complaint or the matter being investigated
 22 not less than five days prior to the date that the licensee is to appear. At the time the summary of
 23 the complaint or the matter being investigated is provided, the board shall provide to the licensee
 24 a current summary of documents or alleged facts that the board has acquired as a result of the in-
 25 vestigation. The name of the complainant or other information that reasonably may be used to
 26 identify the complainant may be withheld from the licensee.

27 (9) To require evidence as determined by rule of continuing education or to require satisfactory
 28 evidence of operative competency before reissuing or renewing licenses for the practice of dentistry
 29 or dental hygiene.

30 (10) To adopt and enforce rules regulating administration of general anesthesia and conscious
 31 sedation by a dentist or under the supervision of a dentist in the office of the dentist. As part of
 32 such rules, the board may require the procurement of a permit which must be periodically renewed.

33 (11) To order an applicant or licensee to submit to a physical examination, mental examination
 34 or a competency examination when the board has evidence indicating the incapacity of the applicant
 35 or licensee to practice safely.

36 **(12) Upon receipt of a report from a licensee under section 1 of this 2009 Act, to submit**
 37 **a report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
 38 **engaged in the prohibited conduct.**

39 **SECTION 13. Section 14 of this 2009 Act is added to and made a part of ORS 691.405 to**
 40 **691.585.**

41 **SECTION 14. A licensed dietitian who has reasonable cause to believe that a licensee of**
 42 **another board has engaged in prohibited conduct shall report the prohibited conduct to the**
 43 **Board of Examiners of Licensed Dietitians in the manner provided in section 1 of this 2009**
 44 **Act.**

45 **SECTION 15. ORS 691.505 is amended to read:**

1 691.505. The Board of Examiners of Licensed Dietitians shall:

2 (1) Hire and prescribe the duties of an executive secretary who shall serve at the direction of
3 the board.

4 (2) Determine the qualifications and fitness of applicants for licensure, renewal of license and
5 reciprocal licenses.

6 (3) Subject to the provisions of ORS chapter 183, adopt rules that are necessary to conduct its
7 business, carry out its duties and administer ORS 691.405 to 691.585.

8 (4) Examine, approve, issue, deny, revoke, suspend and renew licenses of dietitian applicants and
9 licensees under ORS 691.405 to 691.585 and conduct hearings in connection with these actions.

10 (5) Maintain a public record of every dietitian licensed in this state including places of business,
11 residence and the date and number of their license.

12 (6) Establish standards of professional responsibility and practice for persons licensed under
13 ORS 691.405 to 691.585 that are consistent with those standards of professional responsibility and
14 practice adopted by the American Dietetic Association.

15 (7) Select a licensing examination offered by the Commission on Dietetic Registration or other
16 examination.

17 (8) Establish continuing education requirements for renewal of a license consistent with the re-
18 quirements adopted by the Commission on Dietetic Registration.

19 (9) Establish additional educational requirements for applicants for the previous five years of
20 licensure.

21 (10) Conduct hearings on complaints concerning violations of ORS 691.405 to 691.585 and the
22 rules adopted under ORS 691.405 to 691.585.

23 (11) Provide for examinations or waiver of examination for applicants.

24 (12) Establish examination and licensing fees.

25 (13) Request and receive the assistance of state educational institutions or other state agencies.

26 (14) Prepare information of consumer interest describing the regulatory functions of the board
27 and describing the procedures by which consumer complaints are filed with and resolved by the
28 board. The board shall make the information available to the general public and appropriate state
29 agencies.

30 **(15) Upon receipt of a report from a licensee under section 1 of this 2009 Act, submit a**
31 **report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
32 **engaged in the prohibited conduct.**

33 **SECTION 16. Section 17 of this 2009 Act is added to and made a part of ORS 687.011 to**
34 **687.250.**

35 **SECTION 17. A massage therapist who has reasonable cause to believe that a licensee**
36 **of another board has engaged in prohibited conduct shall report the prohibited conduct to**
37 **the State Board of Massage Therapists in the manner provided in section 1 of this 2009 Act.**

38 **SECTION 18. ORS 687.115 is amended to read:**

39 687.115. (1) The State Board of Massage Therapists shall operate as a semi-independent state
40 agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 687.011
41 to 687.250, 687.895 and 687.991. The board shall be composed of seven members, four of whom shall
42 be licensed massage therapists and three of whom shall be members of the public, including one
43 public member selected from a health related field, who shall be appointed by the Governor for
44 terms of four years. Members serve at the option of the Governor.

45 (2) Members are entitled to compensation and expenses as determined by the board.

1 (3) The board may:

2 (a) Hold meetings at times and locations determined by the board.

3 (b) Hire, define the duties and fix the salary of an administrator who may hire and define the
4 duties and provide supervision and evaluation of other employees as necessary to carry out the
5 provisions of ORS 687.011 to 687.250, 687.895 and 687.991. The administrator, with approval of the
6 board, may also employ special consultants. All salaries, compensation and expenses incurred or
7 allowed shall be paid out of funds received by the board.

8 **(4) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
9 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
10 **licensee who engaged in the prohibited conduct.**

11 **SECTION 19. Sections 20 and 21 of this 2009 Act are added to and made a part of ORS**
12 **chapter 685.**

13 **SECTION 20. A naturopathic physician who has reasonable cause to believe that a**
14 **licensee of another board has engaged in prohibited conduct shall report the prohibited con-**
15 **duct to the Board of Naturopathic Examiners in the manner provided in section 1 of this 2009**
16 **Act.**

17 **SECTION 21. The Board of Naturopathic Examiners shall, upon receipt of a report from**
18 **a licensee under section 1 of this 2009 Act, submit a report in the manner provided in section**
19 **1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.**

20 **SECTION 22. ORS 678.135 is amended to read:**

21 678.135. (1) Any health care facility licensed as required by ORS 441.015, **or** any person licensed
22 by the Oregon State Board of Nursing, [*the Oregon Nurses Association or any other organization*
23 *representing registered or licensed practical nurses*] shall[, *and any other person may,*] report to the
24 board any suspected violation of ORS 678.010 to 678.410 [*or any rule adopted pursuant thereto*], **any**
25 **prohibited conduct in the manner provided in section 1 of this 2009 Act or any rule adopted**
26 **by the board.**

27 **(2) The Oregon Nurses Association or any other organization representing registered or**
28 **licensed practical nurses shall report to the board any suspected violation of ORS 678.010 to**
29 **678.410 or any rule adopted by the board, association or other organization representing**
30 **registered or licensed practical nurses.**

31 **(3) Any person may report to the board any suspected violation of ORS 678.010 to 678.410**
32 **or any rule adopted by the board, association or other organization representing registered**
33 **or licensed practical nurses.**

34 **SECTION 23. ORS 678.150 is amended to read:**

35 678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president,
36 a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified.
37 The board shall meet on the call of the president or as the board may require. Special meetings of
38 the board may be called by the secretary upon the request of any three members. Five members
39 shall constitute a quorum.

40 (2) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.
41 Notwithstanding ORS 292.495 (1), a board member shall receive up to \$150 for each day or portion
42 thereof during which the member is actually engaged in the performance of official duties.

43 (3) The board shall adopt a seal which shall be in the care of the executive director.

44 (4) The board shall keep a record of all its proceedings and of all persons licensed and schools
45 or programs accredited or approved under ORS 678.010 to 678.445. The records shall at all reason-

1 able times be open to public scrutiny.

2 (5) Subject to the State Personnel Relations Law, the board shall hire, define the duties and fix
3 the salary of an executive director who shall hire and define the duties of such other employees as
4 are necessary to carry into effect the provisions of ORS 678.010 to 678.445. The executive director,
5 with approval of the board, may also employ special consultants. All salaries, compensation and
6 expenses incurred or allowed shall be paid out of funds received by the board.

7 (6) The board shall determine the qualifications of applicants for a license to practice nursing
8 in this state and establish educational and professional standards for such applicants subject to laws
9 of this state.

10 (7) The board shall:

11 (a) Exercise general supervision over the practice of nursing in this state.

12 (b) Prescribe standards and approve curricula for nursing education programs preparing persons
13 for licensing under ORS 678.010 to 678.445.

14 (c) Provide for surveys of nursing education programs at such times as may be necessary.

15 (d) Accredite such nursing education programs as meet the requirements of ORS 678.010 to
16 678.445 and of the board.

17 (e) Deny or withdraw accreditation from nursing education programs for failure to meet pre-
18 scribed standards.

19 (f) Examine, license and renew the licenses of duly qualified applicants and administer exam-
20 inations for other states where requested to do so by the other state.

21 (g) Issue subpoenas for any records relevant to a board investigation, including patient and
22 other medical records, personnel records applicable to nurses and nursing assistants, records of
23 schools of nursing and nursing assistant training records and any other relevant records; issue
24 subpoenas to persons for personal interviews relating to board investigations; compel the attendance
25 of witnesses; and administer oaths or affirmations to persons giving testimony during an investi-
26 gation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an
27 applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS
28 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the
29 subpoena or for refusing to produce the material that is subject to the subpoena.

30 (h) Enforce the provisions of ORS 678.010 to 678.445, and incur necessary expenses therefor.

31 (i) Prescribe standards for the delegation of special tasks of patient care to nursing assistants
32 and for the supervision of nursing assistants. The standards must include rules governing the dele-
33 gation of administration of noninjectable medication by nursing assistants and must include rules
34 prescribing the types of noninjectable medication that can be administered by nursing assistants,
35 and the circumstances, if any, and level of supervision under which nursing assistants can adminis-
36 ter noninjectable medication. In formulating the rules governing the administration of noninjectable
37 medication by nursing assistants, the board shall consult with nurses, physicians, gerontologists and
38 pharmacologists. Notwithstanding any other provision of this paragraph, however, determination of
39 the appropriateness of the delegation of a special task of patient care shall remain with the regis-
40 tered nurse issuing the order.

41 (j) Notify licensees at least annually of changes in legislative or board rules that affect the
42 licensees. Notice may be by newsletter or other appropriate means.

43 (8) The board shall determine the scope of practice as delineated by the knowledge acquired
44 through approved courses of education or through experience.

45 (9) For local correctional facilities, lockups and juvenile detention facilities, as defined in ORS

1 169.005, youth correction facilities as defined in ORS 420.005, for facilities operated by a public
 2 agency for detoxification of persons who use alcohol excessively, for homes or facilities licensed
 3 under ORS 443.705 to 443.825 for adult foster care, and for facilities licensed under ORS 443.400 to
 4 443.455 for residential care, training or treatment, the board shall adopt rules pertaining to the
 5 provision of nursing care, and to the various tasks relating to the administration of noninjectable
 6 medication including administration of controlled substances. The rules must provide for delegation
 7 of nursing care and tasks relating to the administration of medication to other than licensed nursing
 8 personnel by a physician licensed by the Oregon Medical Board or by a registered nurse, designated
 9 by the facility. Such delegation must occur under the procedural guidance, initial direction and pe-
 10 riodic inspection and evaluation of the physician or registered nurse. However, the provision of
 11 nursing care may be delegated only by a registered nurse.

12 (10) The board may require applicants, licensees and certificate holders under ORS 678.010 to
 13 678.445 to provide to the board data concerning the individual's nursing employment and education.

14 (11) For the purpose of requesting a state or nationwide criminal records check under ORS
 15 181.534, the board may require the fingerprints of a person who is:

- 16 (a) Applying for a license or certificate that is issued by the board;
- 17 (b) Applying for renewal of a license or certificate that is issued by the board; or
- 18 (c) Under investigation by the board.

19 **(12) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
 20 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
 21 **licensee who engaged in the prohibited conduct.**

22 [(12)] (13) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the
 23 provisions of ORS 678.010 to 678.445.

24 **SECTION 24.** ORS 678.725 is amended to read:

25 678.725. (1)(a) Any health care facility licensed under ORS 441.015, any licensee licensed by the
 26 Board of Examiners of Nursing Home Administrators of the State of Oregon, any physician licensed
 27 by the Oregon Medical Board, any licensed professional nurse and any licensed pharmacist shall,
 28 *and any other person may,*] report to the board suspected violations of ORS 678.710 to 678.840,
 29 [*and*] insanitary or other unsatisfactory conditions in a nursing home **or any prohibited conduct**
 30 **in the manner provided in section 1 of this 2009 Act.**

31 **(b) Any person may report to the board suspected violations of ORS 678.710 to 678.840 or**
 32 **insanitary conditions in a nursing home.**

33 (2) Information acquired by the board pursuant to subsection (1) of this section is confidential
 34 and shall not be subject to public disclosure.

35 (3) Any person who reports or provides information to the board under subsection (1) of this
 36 section and who provides information in good faith shall not be subject to an action for civil dam-
 37 ages as a result thereof.

38 **SECTION 25.** ORS 678.820 is amended to read:

39 678.820. [*It shall be the function of*] The Board of Examiners of Nursing Home Administrators
 40 [*to*] **shall:**

41 (1) Develop, impose and enforce standards which shall be met by individuals in order to receive
 42 and retain a license as a nursing home administrator, which standards shall be designed to insure
 43 that nursing home administrators will be individuals who are qualified by training or experience in
 44 the field of long-term health care administration to serve as nursing home administrators.

45 (2) Develop and apply appropriate techniques, including examinations and investigations for de-

1 termining whether an individual meets such standards, if examinations are reviewed periodically to
 2 insure validity.

3 (3) Issue licenses to individuals determined after application of such techniques, to meet such
 4 standards, and subject to ORS chapter 183 impose any of the sanctions set out in ORS 678.780 where
 5 the individual holding any such license is determined substantially to have failed to conform to the
 6 requirements of such standards.

7 (4) Establish and carry out procedures designed to insure that individuals licensed as nursing
 8 home administrators will, during any period that they serve as such, comply with the requirements
 9 of such standards.

10 (5) Receive, investigate and take appropriate action with respect to any charge or complaint
 11 filed with the board in writing, charging that any individual licensed as a nursing home adminis-
 12 trator has failed to comply with the requirements of such standards.

13 (6) Conduct a continuing study and investigation of nursing homes and administrators of nursing
 14 homes within the state with a view to the improvement of standards imposed for the licensing of
 15 such administrators and the procedures and methods for the enforcement of such standards with
 16 respect to administrators of nursing homes who have been licensed as such.

17 (7) Encourage qualified educational institutions and other qualified organizations to establish,
 18 provide, conduct and continue such training and instruction courses and programs as will enable
 19 all otherwise qualified individuals to meet requirements established under ORS 678.710 to 678.780,
 20 678.800 to 678.840 and 678.990 (2).

21 (8) Approve courses and programs conducted within or without the state as sufficient to meet
 22 education and training requirements established pursuant to ORS 678.710 to 678.780, 678.800 to
 23 678.840 and 678.990 (2) and advise the appropriate state agencies regarding receipt and adminis-
 24 tration of such federal funds as are made available for such purposes.

25 (9) In accordance with ORS 183.330, adopt, amend and repeal rules which are necessary to carry
 26 out the provisions of ORS 678.710 to 678.780, 678.800 to 678.840 and 678.990 (2).

27 (10) Maintain a register of all licensed nursing home administrators.

28 (11) **Upon receipt of a report from a licensee under section 1 of this 2009 Act, submit a**
 29 **report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
 30 **engaged in the prohibited conduct.**

31 **SECTION 26. Section 27 of this 2009 Act is added to and made a part of ORS 683.010 to**
 32 **683.335.**

33 **SECTION 27. An optometrist who has reasonable cause to believe that a licensee of an-**
 34 **other board has engaged in prohibited conduct shall submit a report to the Oregon Board**
 35 **of Optometry in the manner provided in section 1 of this 2009 Act.**

36 **SECTION 28. ORS 683.270 is amended to read:**

37 683.270. The powers and duties of the Oregon Board of Optometry are as follows:

38 (1) To organize and elect from its membership a president and vice president of the board, each
 39 of whom shall hold office for one year, or until the election and qualification of a successor.

40 (2) To adopt and use a common seal.

41 (3) To employ agents and inspectors to secure evidence of and report on all violations of this
 42 chapter and to employ other necessary assistance in the carrying out of the provisions of this
 43 chapter, and to pay the same from the funds provided in ORS 683.010 to 683.335.

44 (4) To hold regular meetings at least once a year at which an examination of applicants for li-
 45 censes shall be held at such places as the board shall from time to time designate, and special

1 meetings upon request of a majority of the members of the board or upon the call of the president.

2 (5) To keep an accurate record of all proceedings of the board and of all of its meetings, of all
 3 prosecutions for violations of ORS 683.010 to 683.335, and of all examinations held for applicants for
 4 licenses, with the names and addresses of all persons taking examinations and their success or
 5 failure to pass such examinations. All the records of the board shall be public and shall be kept in
 6 the office of the board.

7 (6) To keep an accurate inventory of all property of the board and of the state in the possession
 8 of the board and to obtain a receipt therefor from its successor.

9 (7) To keep a register of optometrists which shall contain the names and addresses of all persons
 10 to whom licenses have been issued in the State of Oregon, together with the date of the issuance
 11 of the license and the place or places of business in which each optometrist is engaged, and all re-
 12 newals, revocations and suspensions thereof.

13 (8) To grant or refuse to grant licenses as provided in ORS 683.010 to 683.335 and to impose any
 14 of the sanctions for any of the causes specified in ORS 683.140.

15 (9) To administer oaths and take testimony upon granting and revoking or suspending any cer-
 16 tificate of registration or any other certificate established by the board for the protection of the
 17 public.

18 (10) To designate pharmaceutical agents for topical use in the practice of optometry with the
 19 advice and guidance of the Oregon Medical Board.

20 (11) To adopt rules not inconsistent with the laws of this state as are necessary or proper to
 21 carry out the lawful powers and duties of the board, as may be necessary or proper to establish li-
 22 cense fees and license terms or duration, to determine the qualifications of applicants for a license
 23 and of licensees to practice optometry in this state, and to establish educational and professional
 24 standards for such applicants, subject to the laws of this state. If an applicant fails to pass a second
 25 examination the board may adopt rules which may provide the required courses of study before
 26 further examination.

27 **(12) Upon receipt of a report from a licensee under section 1 of this 2009 Act, to submit**
 28 **a report in the manner provided in section 1 of this 2009 Act to the board of the licensee who**
 29 **engaged in the prohibited conduct.**

30 **SECTION 29.** ORS 689.455 is amended to read:

31 689.455. (1) A pharmacist or pharmacy technician shall report to the State Board of Pharmacy:

32 (a) Any suspected violations of this chapter or of ORS 475.005 to 475.285 and 475.840 to
 33 475.980; and

34 **(b) Any prohibited conduct in the manner provided in section 1 of this 2009 Act.**

35 (2) Any pharmacist or pharmacy technician who reports to the board as required by subsection
 36 (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof.

37 (3) Any information that the board obtains pursuant to ORS 689.405 or 689.445 or this section
 38 is confidential as provided under ORS 676.175.

39 **SECTION 30.** ORS 689.135 is amended to read:

40 689.135. (1) The State Board of Pharmacy shall have such other duties, powers and authority as
 41 may be necessary to the enforcement of this chapter and to the enforcement of board rules made
 42 pursuant thereto, which shall include, but are not limited to, the following:

43 (a) Cause to have printed and circulated annually copies of any changes in the laws relating to
 44 pharmacy, controlled substances, drugs and poisons and the rules adopted to enforce such laws, and
 45 set reasonable charges therefor.

1 (b) Appoint advisory committees.

2 (2) The board may join such professional organizations and associations organized exclusively
3 to promote the improvement of the standards of the practice of pharmacy for the protection of the
4 health and welfare of the public and whose activities assist and facilitate the work of the board.

5 (3) In addition to any statutory requirements, the board may require such surety bonds as it
6 deems necessary to guarantee the performance and discharge of the duties of any officer or em-
7 ployee receiving and disbursing funds.

8 (4) The executive director of the board shall keep the seal of the board and shall affix it only
9 in such manner as may be prescribed by the board.

10 (5) The board shall determine within 30 days prior to the beginning of each state fiscal year the
11 fees to be collected for:

12 (a) Examinations and reexaminations, which fee shall not exceed \$400.

13 (b) Pharmacist licenses, which fee shall not exceed \$250.

14 (c) Pharmacist licensing by reciprocity, which fee shall not exceed \$300.

15 (d) Intern license, which fee shall not exceed \$50.

16 (e) Duplicate pharmacist certificate, which fee shall not exceed \$50.

17 (f) Pharmacist license, delinquent renewal fee, which fee shall not exceed \$50.

18 (g) Certification of approved providers of continuing education courses, which fee shall not ex-
19 ceed \$300.

20 (h) Registration of drug outlets other than pharmacies and renewal of registration, which fee
21 shall not exceed \$500.

22 (i) Initial pharmacy or institutional drug outlet, which fee shall not exceed \$300.

23 (j) Annual pharmacy or institutional drug outlet, which fee shall not exceed \$300.

24 (k) Pharmacy or institutional drug outlet delinquent renewal fee, which fee shall not exceed
25 \$200.

26 (L) Nonprescription drug outlets, which fee shall not exceed \$50.

27 (m) Nonprescription drug outlet delinquent renewal fee, which fee shall not exceed \$50.

28 (n) Reinspection fee, which fee shall not exceed \$100.

29 (o) Drug outlets, other than pharmacies or institutional drug outlets, delinquent renewal fee,
30 which fee shall not exceed \$100.

31 (6) All moneys collected either as costs or fines under ORS 435.010 to 435.130, 453.175, 453.185
32 and 453.990 and this chapter shall be paid by the magistrate or other officer receiving them to the
33 treasurer of the county where the prosecution is conducted. These moneys shall be applied, first,
34 to the payment of the costs of such prosecution. The remainder shall be paid by the county treasurer
35 into the State Treasury and, in the case of:

36 (a) All moneys except criminal fines, placed to the credit of the State Board of Pharmacy Ac-
37 count established in ORS 689.139 to be used only for the administration and enforcement of ORS
38 435.010 to 435.130 and this chapter.

39 (b) Criminal fines, placed to the credit of the Criminal Fine and Assessment Account.

40 (7) Except as provided in subsection (6) of this section, all moneys received under ORS 435.010
41 to 435.130, 453.185 and 453.990 and this chapter shall be paid into the State Treasury and placed to
42 the credit of the State Board of Pharmacy Account to be used only for the administration and
43 enforcement of ORS 435.010 to 435.130 and this chapter.

44 (8) The board may receive and expend funds, in addition to its biennial appropriation, from
45 parties other than the state, provided:

1 (a) Such moneys are awarded for the pursuit of a specific objective which the board is author-
2 ized to accomplish by this chapter, or which the board is qualified to accomplish by reason of its
3 jurisdiction or professional expertise;

4 (b) Such moneys are expended for the pursuit of the objective for which they are awarded;

5 (c) Activities connected with or occasioned by the expenditures of such funds do not interfere
6 with or impair the performance of the board's duties and responsibilities and do not conflict with
7 the exercise of the board's powers as specified by this chapter;

8 (d) Such moneys are kept in a separate, special state account; and

9 (e) Periodic reports are made to the Governor concerning the board's receipt and expenditure
10 of such moneys.

11 (9) The board may assign to each drug outlet under its jurisdiction, a uniform state number,
12 coordinated where possible with all other states which adopt the same uniform numbering system.

13 (10) The board or its authorized representatives shall also have power to investigate and gather
14 evidence concerning alleged violations of the provisions of this chapter or of the rules of the board.

15 (11) The president and vice president of the board may administer oaths in connection with the
16 duties of the board.

17 (12) The books, registers and records of the board as made and kept by the executive director
18 or under the supervision of the executive director, subject to the direction of the board, shall be
19 prima facie evidence of the matter recorded therein, in any court of law.

20 (13) The board may administer oaths, issue notices and subpoenas in the name of the board,
21 enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other
22 acts as are reasonably necessary to carry out its duties under this chapter.

23 (14)(a) Notwithstanding anything in this chapter to the contrary, whenever a duly authorized
24 representative of the board finds or has probable cause to believe that any drug or device is
25 adulterated, misbranded or a new drug, as defined in Section 201(p) of the Federal Food, Drug and
26 Cosmetic Act, for which there is no approval in effect pursuant to Section 505(b) of the federal Act
27 nor an approved notice of claimed investigational exemption pursuant to Section 505(i) of the federal
28 Act, or otherwise rendered unsafe for use as a result of fire, flood or other natural disaster, the
29 representative shall affix to such drug or device a tag or other appropriate marking giving notice
30 that such article is or is suspected of being adulterated, misbranded, or otherwise rendered unsafe
31 and has been detained or embargoed and warning all persons not to remove or dispose of such ar-
32 ticle by sale or otherwise until provision for removal or disposal is given by the board, its agent or
33 the court. No person shall remove or dispose of such embargoed drug or device by sale or otherwise
34 without the permission of the board or its agent or, after summary proceedings have been instituted,
35 without permission from the court.

36 (b) When a drug or device detained or embargoed under paragraph (a) of this subsection has
37 been declared by such representative to be adulterated, misbranded or a new drug, or rendered un-
38 safe, the board shall, as soon as practical thereafter, petition the judge of the circuit court in whose
39 jurisdiction the article is detained or embargoed for an order for condemnation of such article. If
40 the judge determines that the drug or device so detained or embargoed is not adulterated or mis-
41 branded or rendered unsafe, the board shall direct the immediate removal of the tag or other
42 marking.

43 (c) If the court finds the detained or embargoed drug or device is adulterated or misbranded or
44 rendered unsafe, such drug or device, after entry of the judgment, shall be destroyed at the expense
45 of the owner under the supervision of a board representative and all court costs and fees, storage

1 and other proper expense shall be borne by the owner of such drug or device. When the
 2 adulteration or misbranding can be corrected by proper labeling or processing of the drug or device,
 3 the court, after entry of the judgment and after such costs, fees and expenses have been paid and
 4 a good and sufficient bond has been posted, may direct that such drug or device be delivered to the
 5 owner thereof for such labeling or processing under the supervision of a board representative. Ex-
 6 pense of such supervision shall be paid by the owner. Such bond shall be returned to the owner of
 7 the drug or device on representation to the court by the board that the drug or device is no longer
 8 in violation of the embargo and the expense of supervision has been paid.

9 (d) It is the duty of the Attorney General to whom the board reports any violation of this sub-
 10 section to cause appropriate proceedings to be instituted in the proper court without delay and to
 11 be prosecuted in the manner required by law. Nothing in this subsection shall be construed to re-
 12 quire the board to report violations whenever the board believes the public's interest will be ade-
 13 quately served in the circumstances by a suitable written notice or warning.

14 **(15) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
 15 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
 16 **licensee who engaged in the prohibited conduct.**

17 ~~[(15)]~~ **(16)** Except as otherwise provided to the contrary, the board shall exercise all of its duties,
 18 powers and authority in accordance with ORS chapter 183.

19 **SECTION 31. Section 32 of this 2009 Act is added to and made a part of ORS chapter 677.**

20 **SECTION 32. A physician or a podiatric physician and surgeon who has reasonable cause**
 21 **to believe that a licensee of another board has engaged in prohibited conduct shall report the**
 22 **prohibited conduct to the Oregon Medical Board in the manner provided in section 1 of this**
 23 **2009 Act.**

24 **SECTION 33. ORS 677.265 is amended to read:**

25 677.265. In addition to any other powers granted by this chapter, the Oregon Medical Board
 26 may:

27 (1) Adopt necessary and proper rules for administration of this chapter including but not limited
 28 to:

29 (a) Establishing fees and charges to carry out its legal responsibilities, subject to prior approval
 30 by the Oregon Department of Administrative Services and a report to the Emergency Board prior
 31 to adopting the fees and charges. The fees and charges shall be within the budget authorized by the
 32 Legislative Assembly as that budget may be modified by the Emergency Board. The fees and charges
 33 established under this section may not exceed the cost of administering the program or the purpose
 34 for which the fee or charge is established, as authorized by the Legislative Assembly for the Oregon
 35 Medical Board's budget, or as modified by the Emergency Board or future sessions of the Legislative
 36 Assembly.

37 (b) Establishing standards and tests to determine the moral, intellectual, educational, scientific,
 38 technical and professional qualifications required of applicants for licenses under this chapter.

39 (c) Enforcing the provisions of this chapter and exercising general supervision over the practice
 40 of medicine and podiatry within this state. In determining whether to discipline a licensee for a
 41 standard of care violation, the Oregon Medical Board shall determine whether the licensee used that
 42 degree of care, skill and diligence that is used by ordinarily careful physicians or podiatric physi-
 43 cians and surgeons in the same or similar circumstances in the community of the physician or
 44 podiatric physician and surgeon or a similar community.

45 (2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and

1 fines and place licensees on probation as provided in this chapter.

2 (3) Use the gratuitous services and facilities of private organizations to receive the assistance
3 and recommendations of the organizations in administering this chapter.

4 (4) Make its personnel and facilities available to other regulatory agencies of this state, or other
5 bodies interested in the development and improvement of the practice of medicine or podiatry in this
6 state, upon terms and conditions for reimbursement as are agreed to by the Oregon Medical Board
7 and the other agency or body.

8 (5) Appoint examiners, who need not be members of the Oregon Medical Board, and employ or
9 contract with the American Public Health Association or the National Board of Medical Examiners
10 or other organizations, agencies and persons to prepare examination questions and score examina-
11 tion papers.

12 (6) Determine the schools, colleges, universities, institutions and training acceptable in con-
13 nection with licensing under this chapter. All residency, internship and other training programs
14 carried on in this state by any hospital, institution or medical facility shall be subject to approval
15 by the Oregon Medical Board. The board shall accept the approval by the American Osteopathic
16 Association or the American Medical Association in lieu of approval by the board.

17 (7) Prescribe the time, place, method, manner, scope and subjects of examinations under this
18 chapter.

19 (8) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require
20 the submission of photographs and relevant personal history data by applicants for licensure under
21 this chapter.

22 (9) For the purpose of requesting a state or nationwide criminal records check under ORS
23 181.534, require the fingerprints of a person who is:

24 (a) Applying for a license that is issued by the board;

25 (b) Applying for renewal of a license that is issued by the board; or

26 (c) Under investigation by the board.

27 (10) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas
28 in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are rea-
29 sonably necessary to carry out its duties under this chapter.

30 **(11) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
31 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
32 **licensee who engaged in the prohibited conduct.**

33 **SECTION 34.** ORS 688.605 is amended to read:

34 688.605. (1)(a) Any radiologic technologist, **or** any person licensed by the Board of Radiologic
35 Technology, **shall** [*or any other organization representing radiologic technologists shall, and any other*
36 *person may,*] report to the board any suspected violation of ORS 688.405 to 688.605 [*or any rule*
37 *adopted pursuant to ORS 688.555*], **any prohibited conduct in the manner provided in section 1**
38 **of this 2009 Act or any rule adopted by the board.**

39 **(b) Any organization representing radiologic technologists shall report to the board any**
40 **suspected violation of ORS 688.405 to 688.605 or any rule adopted by the board pursuant to**
41 **ORS 688.405 to 688.605.**

42 **(c) Any person may report to the board any suspected violation of ORS 688.405 to 688.605**
43 **or any rules adopted by the board pursuant to ORS 688.555.**

44 (2) Any information that the board obtains as the basis of a complaint or in the investigation
45 thereof is confidential as provided under ORS 676.175.

1 (3) Any person who reports or provides information to the board and who does so in good faith
 2 shall not be subject to an action for civil damages as a result thereof.

3 (4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be
 4 substantiated by satisfactory evidence. If the board finds that a violation has occurred, the board
 5 shall, subject to the conditions of ORS 676.175, report the violation to the Attorney General for
 6 prosecution.

7 **SECTION 35. Section 36 of this 2009 Act is added to and made a part of ORS 688.405 to**
 8 **688.605.**

9 **SECTION 36. The Board of Radiologic Technology shall, upon receipt of a report from a**
 10 **licensee under section 1 of this 2009 Act, submit a report in the manner provided in section**
 11 **1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.**

12 **SECTION 37. Sections 38 and 39 of this 2009 Act are added to and made a part of ORS**
 13 **675.210 to 675.340.**

14 **SECTION 38. An occupational therapist who has reasonable cause to believe that a**
 15 **licensee of another board has engaged in prohibited conduct shall report to the Occupational**
 16 **Therapy Licensing Board in the manner provided in section 1 of this 2009 Act.**

17 **SECTION 39. The Occupational Therapy Licensing Board shall, upon receipt of a report**
 18 **from a licensee under section 1 of this 2009 Act, submit a report in the manner provided in**
 19 **section 1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.**

20 **SECTION 40. ORS 688.135 is amended to read:**

21 688.135. (1) A physical therapist licensed under ORS 688.010 to 688.201 shall:

22 (a) Be responsible for managing all aspects of the physical therapy care of each patient.

23 (b) Ensure the qualifications of all physical therapist assistants and physical therapist aides
 24 working under the direction and supervision of the physical therapist.

25 (c) Provide for each patient the therapeutic intervention that requires the expertise of a physical
 26 therapist and determine and supervise the use of physical therapist assistants or physical therapist
 27 aides to provide care that is safe, effective and efficient.

28 (2) Responsibility for patient care management shall include accurate documentation and billing
 29 of the physical therapy services provided. Information relating to the physical therapist-patient re-
 30 lationship is confidential and a physical therapist shall comply with the laws and rules governing
 31 the use and disclosure of a patient's protected health information as provided in ORS 192.518 to
 32 192.529.

33 (3) Each physical therapist shall display a copy of the physical therapist's license or current
 34 renewal verification in a location accessible to public view at the physical therapist's place of
 35 practice or employment.

36 (4) A physical therapist may purchase, store and administer topical and aerosol medications as
 37 part of the practice of physical therapy as defined in ORS 688.010. A physical therapist shall comply
 38 with any rules adopted by the State Board of Pharmacy specifying protocols for storage of
 39 medications.

40 (5) A physical therapist shall adhere to the standards of ethics recognized by the physical
 41 therapy profession as further established by a nationally recognized professional organization of
 42 physical therapists and as further adopted by the board.

43 (6) A physical therapist shall disclose to a patient any direct financial interest in products that
 44 the physical therapist endorses and recommends to the patient at the time of such endorsement or
 45 recommendation. The disclosure shall be documented in the patient's record.

1 *[(7) A physical therapist shall refer a patient to an appropriate health care practitioner if the*
 2 *physical therapist has reasonable cause to believe symptoms or conditions are present that require*
 3 *services beyond the scope of practice of a physical therapist or when physical therapy is*
 4 *contraindicated.]*

5 ~~[(8)]~~ (7) A physical therapist may provide compensable services to an injured worker only as
 6 authorized by ORS 656.250.

7 ~~[(9)]~~ (8) Nothing in ORS 688.010 to 688.201 shall prohibit a physical therapist licensed under
 8 ORS 688.010 to 688.201 from accepting a referral from a veterinarian licensed under ORS chapter
 9 686. The referral must be in writing and specify the treatment or therapy to be provided, pursuant
 10 to ORS 686.040 (4). A physical therapist practicing under this subsection shall be held to the
 11 standard of care for veterinarians set forth in ORS chapter 686.

12 **(9) A physical therapist who has reasonable cause to believe that a licensee of another**
 13 **board has engaged in prohibited conduct shall notify the Physical Therapist Licensing Board**
 14 **in the manner provided in section 1 of this 2009 Act.**

15 **SECTION 41.** ORS 688.160 is amended to read:

16 688.160. (1) The Physical Therapist Licensing Board shall operate as a semi-independent state
 17 agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 688.010
 18 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board shall consist of seven members
 19 appointed by the Governor who may be appointed from a list of not fewer than nine names, sub-
 20 mitted by the Oregon Physical Therapy Association. Five members shall be physical therapists who
 21 are Oregon residents, possess unrestricted licenses to practice physical therapy in this state, have
 22 been practicing in this state for at least two years immediately preceding their appointments and
 23 have been practicing in the field of physical therapy for at least five years. One member shall be a
 24 licensed physical therapist assistant. One member shall be a public member who has an interest in
 25 consumer rights. All members shall have equal voting privileges.

26 (2) Upon the expiration of the term of a member of the board, the Governor shall appoint a
 27 successor who may be appointed from a list of three names submitted to the Governor by the Oregon
 28 Physical Therapy Association to serve a term of four years. A member may not serve for more than
 29 two consecutive four-year terms.

30 (3) In the event of a vacancy in the office of a member of the board other than by reason of the
 31 expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall
 32 appoint a person to fill the vacancy for the unexpired term. The person may be appointed from a list
 33 of three names submitted as provided in subsection (2) of this section. If requested by the board, the
 34 Governor may remove any member of the board for misconduct, incompetence or neglect of duty.

35 (4) Each member of the board is entitled to compensation and expenses as provided in ORS
 36 292.495.

37 (5) A board member who acts within the scope of board duties, without malice and in reasonable
 38 belief that the member's action is warranted by law, is immune from civil liability.

39 (6) The board shall have power to:

40 (a) Establish matters of policy affecting administration of ORS 688.010 to 688.201;

41 (b) Provide for examinations for physical therapists and physical therapist assistants and adopt
 42 passing scores for the examinations;

43 (c) Adopt rules necessary to carry out and enforce the provisions of ORS 688.010 to 688.201;

44 (d) Establish standards and tests to determine the qualifications of applicants for licenses to
 45 practice physical therapy in this state;

1 (e) Issue licenses to persons who meet the requirements of ORS 688.010 to 688.201;

2 (f) Adopt rules relating to the supervision and the duties of physical therapist aides who assist
3 in performing routine work under supervision;

4 (g) Adopt rules establishing minimum continuing education requirements for all licensees;

5 (h) Exercise general supervision over the practice of physical therapy within this state;

6 (i) Establish and collect fees for the application or examination for, or the renewal, rein-
7 statement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of
8 a temporary permit under ORS 688.110; and

9 (j) Establish and collect fees to carry out and enforce the provisions of ORS 688.010 to 688.201.

10 (7) The board shall meet as determined by the board and at any other time at the call of the
11 board chairperson, who shall be elected by the members of the board.

12 (8) The board may appoint and fix the compensation of an executive director and other staff as
13 necessary to carry out the operations of the board.

14 (9) The board shall:

15 (a) Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the
16 persons' names, current business and residential addresses, telephone numbers, electronic mail ad-
17 dresses and license numbers.

18 (b) Provide information to the public regarding the procedure for filing a complaint against a
19 physical therapist or physical therapist assistant.

20 (c) Publish at least annually, and in a format or place determined by the board, final disciplinary
21 actions taken against physical therapists and physical therapist assistants and other information,
22 including rules, in order to guide physical therapists and physical therapist assistants regulated
23 pursuant to ORS 688.010 to 688.201.

24 **(d) The board shall, upon receipt of a report from a licensee under section 1 of this 2009**
25 **Act, submit a report in the manner provided in section 1 of this 2009 Act to the board of the**
26 **licensee who engaged in the prohibited conduct.**

27 **SECTION 42. Sections 43 and 44 of this 2009 Act are added to and made a part of ORS**
28 **675.010 to 675.150.**

29 **SECTION 43. A licensed psychologist who has reasonable cause to believe that a licensee**
30 **of another board has engaged in prohibited conduct shall report to the State Board of Psy-**
31 **chologist Examiners in the manner provided in section 1 of this 2009 Act.**

32 **SECTION 44. The State Board of Psychologist Examiners shall, upon receipt of a report**
33 **from a licensee under section 1 of this 2009 Act, submit a report in the manner provided in**
34 **section 1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.**

35 **SECTION 45. Sections 46 and 47 of this 2009 Act are added to and made a part of ORS**
36 **687.405 to 687.495.**

37 **SECTION 46. A licensed direct entry midwife who has reasonable cause to believe that**
38 **a licensee of another board has engaged in prohibited conduct shall report to the State Board**
39 **of Direct Entry Midwifery in the manner provided in section 1 of this 2009 Act.**

40 **SECTION 47. The State Board of Direct Entry Midwifery shall, upon receipt of a report**
41 **from a licensee under section 1 of this 2009 Act, submit a report in the manner provided in**
42 **section 1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.**

43 **SECTION 48. Sections 49 and 50 of this 2009 Act are added to and made a part of ORS**
44 **688.800 to 688.840.**

45 **SECTION 49. A respiratory care practitioner who has reasonable cause to believe that a**

1 licensee of another board has engaged in prohibited conduct shall report to the Respiratory
2 Therapist Licensing Board in the manner provided in section 1 of this 2009 Act.

3 **SECTION 50.** The Respiratory Therapist Licensing Board shall, upon receipt of a report
4 from a licensee under section 1 of this 2009 Act, submit a report in the manner provided in
5 section 1 of this 2009 Act to the board of the licensee who engaged in the prohibited conduct.

6 **SECTION 51.** Sections 1, 9, 14, 17, 20, 21, 27, 32, 36, 38, 39, 43, 44, 46, 47, 49 and 50 of this
7 2009 Act and the amendments to ORS 681.505, 681.420, 684.200, 684.150, 675.583, 675.600,
8 675.785, 679.310, 679.250, 691.505, 687.115, 678.135, 678.150, 678.725, 678.820, 683.270, 689.455,
9 689.135, 677.265, 688.605, 688.135 and 688.160 by sections 2 to 7, 10 to 12, 15, 18, 22 to 25, 28 to
10 30, 33, 34, 40 and 41 of this 2009 Act apply to prohibited conduct as defined in section 1 of this
11 2009 Act that occurs on or after the effective date of this 2009 Act.

12