

Enrolled House Bill 2610

Sponsored by Representative GREENLICK; Representatives HARKER, MAURER

CHAPTER

AN ACT

Relating to health care professionals; amending ORS 676.110, 676.120, 676.130, 677.060 and 688.125; and repealing ORS 676.100.

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

SECTION 1. ORS 676.110 is amended to read:

676.110. (1) **An individual** [*Any person*] practicing a health care profession [*who uses*] **may not use** the title “doctor[,]” [*or any contraction thereof, “clinic,” “institute,” “specialist” or any other assumed or artificial name or title,*] in connection with the [*business or*] profession, **unless the individual:**

(a) **Has earned a doctoral degree in the individual’s field of practice; and**

(b)(A) **Is licensed by a health professional regulatory board as defined in ORS 676.160 to practice the particular health care profession in which the individual’s doctoral degree was earned; or**

(B) **Is working under a board-approved residency contract and is practicing under the license of a supervisor who is licensed by a health professional regulatory board as defined in ORS 676.160 to practice the particular health care profession in which the individual’s doctoral degree was earned.**

(2) **When an individual uses the title “doctor”** on [*any*] written or printed matter[,] or in connection with [*any*] advertising, billboards, signs or professional notices, **the individual shall** [*add after the name of the person, or after any such assumed or artificial names, one of the following respective designations*] **designate the health care profession in which the individual’s doctoral degree was earned. The designation must be** in letters or print [*which shall be*] at least one-fourth the size of the largest letters used in the title [*or name*] **“doctor,”** and in material, color, type or illumination to give display and legibility of at least one-fourth that of the title [*or name:*] **“doctor.”**

(3) **Subsection (1) of this section does not prohibit:**

(a) **A chiropractic physician licensed under ORS chapter 684 from using the title “chiropractic physician”;**

(b) **A naturopathic physician licensed under ORS chapter 685 from using the title “naturopathic physician”;**

(c) **A person licensed to practice optometry under ORS chapter 683 from using the title “doctor of optometry” or “optometric physician”;** or

(d) **A podiatric physician licensed under ORS 677.805 to 677.840 from using the title “podiatric physician.”**

[(1) In the case of a person practicing podiatry, the word “podiatrist” or the words “podiatric physician” or “podiatric physician and surgeon.”]

[(2) In the case of a person practicing chiropractic, the word “chiropractor” or the words “chiropractic physician.”]

[(3) In the case of a person practicing dentistry, the word “dentist” or “dentistry.”]

[(4) In the case of a person practicing naturopathic medicine, the word “naturopath” or the words “naturopathic physician.”]

[(5) In the case of a person practicing optometry, the word “optometrist” or the words “doctor of optometry” or “optometric physician.”]

[(6) In the case of a person licensed to practice medicine by the Oregon Medical Board who holds the degree of Doctor of Osteopathy, or the equivalent, the word “osteopath” or the words “osteopathic physician” or “osteopathic physician and surgeon.”]

[(7) In the case of a person licensed to practice medicine by the Oregon Medical Board who holds the degree of Doctor of Medicine, or the equivalent, the word “physician” or the word “surgeon” or the words “physician and surgeon.”]

[(8) In the case of a person practicing veterinary medicine, the word “veterinarian.”]

[(9) In the case of a person practicing acupuncture, the word “acupuncturist” and in the case of a person who has completed a program that leads to a doctoral degree in Oriental Medicine and Acupuncture from a school that has federally recognized accreditation, the words “doctor of acupuncture and oriental medicine.”]

SECTION 2. ORS 676.120 is amended to read:

676.120. *[No person shall use any of the designations stated in ORS 676.110 (1) to (9), in connection with the name, business or profession of the person or in connection with an assumed or artificial name, or “clinic,” “institute” or “specialist,” unless the person is licensed under the laws of this state to practice the particular health care profession indicated by such designation, as stated in ORS 676.110. However,]* **Notwithstanding ORS 676.110**, upon the death of any person duly licensed by *[any board empowered to license any practitioner of a health care profession]* **a health professional regulatory board as defined in ORS 676.160**, the executors of the estate or the heirs, assigns, associates or partners may retain the use of the decedent’s name, where it appears other than as a part of an assumed name, for no more than one year after the death of such person or until the estate is settled, whichever is sooner.

SECTION 3. ORS 676.130 is amended to read:

676.130. Each *[board licensing any of the health care professions, within this state,]* **health professional regulatory board as defined in ORS 676.160** shall notify the appropriate district attorney of any violation of ORS 676.100 to 676.120 which may be brought to the attention of such board. The district attorney of the county in which any violation of those sections takes place shall prosecute the violation upon being informed of the violation by any person or by one of such boards.

SECTION 4. ORS 677.060 is amended to read:

677.060. This chapter does not affect or prevent the following:

(1) The practice of medicine or podiatry in this state by any commissioned medical or podiatric officer serving in the Armed Forces of the United States or Public Health Service, or any medical or podiatric officer on duty with the United States Department of Veterans Affairs, while any such medical or podiatric officer is engaged in the performance of the actual duties prescribed by the laws and regulations of the United States.

(2) The meeting in this state of any licensed practitioner of medicine of any other state or country with a licensed practitioner of medicine in this state, for consultation.

(3) Supervised clinical training by an acupuncture student who is enrolled in a school approved to offer credit for post-secondary clinical education in Oregon or clinical practice of acupuncture by a practitioner licensed to practice acupuncture in another state or foreign country who is enrolled in clinical training approved by the Oregon Medical Board.

(4) The furnishing of medical or surgical assistance in cases of emergency requiring immediate attention.

(5) The domestic administration of family remedies.

(6) The practice of dentistry, pharmacy, nursing, optometry, psychology, clinical social work, chiropractic, naturopathic medicine or cosmetic therapy, by any person authorized by this state. [Nothing in ORS 677.085 (5) prevents the use of the words "Doctor" or "Specialist," or any abbreviation or combination thereof, or any letters or words of similar import by any person duly licensed to practice optometry within Oregon.]

(7) The practice of the religion of persons who endeavor to prevent or cure disease or suffering by prayer or other spiritual means in accordance with the tenets of any church. Nothing in this chapter interferes in any manner with the individual's right to select the practitioner or mode of treatment of an individual's choice, or interferes with the right of the person so employed to give the treatment so chosen if public health laws and rules are complied with.

(8) The sale of lenses, artificial eyes, limbs or surgical instruments or other apparatus or appliances of a similar character.

(9) The sale, rent or use for hire of any device or appliance, the sale of which is not prohibited by the laws of Oregon or the United States.

(10) The practice of physiotherapy, electrotherapy or hydrotherapy carried on by a duly licensed practitioner of medicine, naturopathic medicine or chiropractic, or by ancillary personnel certified by the State Board of Chiropractic Examiners, pursuant to ORS 684.155 (1)(c)(A), to provide physiotherapy, electrotherapy or hydrotherapy and working under the direction of a chiropractic physician.

(11) The practice or use of massage, Swedish movement, physical culture, or other natural methods requiring use of the hands.

(12) **The use of the title "doctor," "chiropractic physician," "naturopathic physician," "doctor of optometry," "optometric physician" or "podiatric physician" in accordance with ORS 676.100 to 676.120.**

SECTION 5. ORS 688.125 is amended to read:

688.125. In order to [assure] **ensure** that physical therapy treatment of a patient is based solely on the needs of a patient, any health care practitioner [described in ORS 676.110] **licensed by a health professional regulatory board as defined in ORS 676.160** who owns, in part or in whole, a physical therapy practice, or who employs a physical therapist, shall communicate the facts of that ownership or employment relationship to patients for whom physical therapy is prescribed and inform the patient that alternative sources of physical therapy treatment are available.

SECTION 6. ORS 676.100 is repealed.

Passed by House April 9, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 12, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State