

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3232

By COMMITTEE ON RULES

June 2

- 1 On page 1 of the printed A-engrossed bill, line 6, delete “690.225,” and delete “690.360,”.  
2 In line 7, delete “694.055,”.  
3 In line 8, delete “694.155,”.  
4 On page 3, delete lines 30 through 45.  
5 On page 4, delete lines 1 through 21 and insert:  
6 “**SECTION 6.** ORS 675.395 is amended to read:  
7 “675.395. (1) The Sex Offender Treatment Board is established within the Oregon Health Li-  
8 censing Agency. The board shall consist of seven members appointed by the Governor [*and subject*  
9 *to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565*] **from lists of re-**  
10 **commended persons submitted as provided in subsection (2) of this section.** All members of the  
11 board [*shall*] **must** be residents of this state.  
12 “(2) Of the members appointed to the board:  
13 “(a) Two shall be [*recommended*] **from a list submitted** by the Oregon Association for the  
14 Treatment of Sexual Abusers;  
15 “(b) Two shall be [*recommended*] **from a list submitted** by the Oregon Adolescent Sex Offender  
16 Treatment Network;  
17 “(c) One shall be [*recommended*] **from a list submitted** by the Oregon Association of Commu-  
18 nity Corrections Directors;  
19 “(d) One shall be [*recommended*] **from a list submitted** by the Oregon Juvenile Department  
20 Directors Association; and  
21 “(e) One shall be [*recommended*] **from a list submitted** by a victims’ advocacy organization.  
22 “(3) The term of office of each member is [*three*] **four** years, but a member serves at the pleasure  
23 of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term.  
24 A member shall hold the member’s office until the appointment and qualification of a successor. A  
25 member is eligible for reappointment. **If a person serves two consecutive full terms, a period**  
26 **of at least four years must elapse before the person is again eligible for appointment to serve**  
27 **on the board.**  
28 “[*4*] *The agency shall provide the board with such administrative services and employees as the*  
29 *board requires to carry out its duties for the administration of ORS 675.360 to 675.410.*]  
30 “[*5*] **(4)** Members of the board are eligible for compensation and expenses as provided in ORS  
31 292.495 [*from funds available under ORS 675.405*].  
32 “[*6*] **(5)** The board shall select one of its members to serve as chair and another to serve as  
33 vice chair, for those terms and with such duties and powers necessary for the performance of the  
34 functions of those offices as the board determines.  
35 “[*7*] **(6)** A majority of the board constitutes a quorum for the transaction of business.

1 “[(8)] (7) The board shall meet at times and places specified by the call of the chair or of a  
2 majority of the members of the board. The board shall meet at least once each calendar year.

3 “[(9)] (8) A board member appointed under this section who is also a clinical sex offender ther-  
4 apist or associate sex offender therapist must satisfy all requirements for certification provided in  
5 ORS 675.375 and [shall] **must** obtain certification within 12 months of the member’s appointment.”.

6 On page 13, delete lines 36 through 45.

7 On page 14, delete lines 1 through 13 and insert:

8 “**SECTION 20.** ORS 680.556 is amended to read:

9 “680.556. (1) There is established, within the Oregon Health Licensing Agency, the State Board  
10 of Denture Technology.

11 “(2) The board shall consist of seven members appointed by the Governor.

12 “(3) Four members shall be active licensed denturists, one member shall be an Oregon licensed  
13 dentist in active practice and two members shall be public members who do not possess the profes-  
14 sional qualifications of other members.

15 “(4) The term of office of each member is [three] **four** years, but a member serves at the pleasure  
16 of the Governor. [Before the expiration of the term of a member, the Governor shall appoint a suc-  
17 cessor whose term begins on July 1 next following. A member is eligible for reappointment. If a person  
18 serves two consecutive terms, a period of three years must pass before the person may be appointed to  
19 the board again. If there is a vacancy for any cause, the Governor shall make an appointment to be-  
20 come immediately effective for the unexpired term.] **Vacancies shall be filled by the Governor by**  
21 **appointment for the unexpired term. A member shall hold the member’s office until the ap-**  
22 **pointment and qualification of a successor. A member is eligible for reappointment. If a**  
23 **person serves two consecutive full terms, a period of at least four years must elapse before**  
24 **the person is again eligible for appointment to serve on the board.**

25 “[(5) The agency shall provide the board with such administrative services and employees as the  
26 board requires to carry out its duties for the administration of ORS 680.500 to 680.570 and 680.990  
27 (2).]

28 “[(6)] (5) Members of the board, or its appointed committees, [shall be] **are** entitled to compen-  
29 sation and expenses as provided in ORS 292.495 [from funds available under ORS 680.570].”.

30 On page 15, delete lines 44 and 45.

31 On page 16, delete lines 1 through 23 and insert:

32 “**SECTION 24.** ORS 688.705 is amended to read:

33 “688.705. (1) There is [created in] **established within** the Oregon Health Licensing Agency the  
34 Board of Athletic Trainers, consisting of five members appointed by the [Director of the Oregon  
35 Health Licensing Agency] **Governor**. In making appointments to the board, the [director must] **Gov-**  
36 **ernor shall** take into consideration [any] nominations received from professional organizations of  
37 athletic trainers that are based in Oregon.

38 “(2) Of the membership of the Board of Athletic Trainers:

39 “(a) All members must be [citizens] **residents** of this state.

40 “(b) Three members must be athletic trainers who have practiced continuously in this state for  
41 the three years prior to the date of appointment.

42 “(c) One member must be a member of the general public who is not an athletic trainer.

43 “(d) One member must be a physician licensed under ORS chapter 677.

44 “(3) The term of office [for] **of** each member of the board is four years, **but a member serves**  
45 **at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment**

1 **for the unexpired term. A member shall hold the member's office until the appointment and**  
2 **qualification of a successor.** A member is eligible for reappointment. [*but no member may serve*  
3 *more than two consecutive terms. If there is a vacancy for any cause, the director shall make an ap-*  
4 *pointment to become immediately effective for the unexpired term.*] **If a person serves two consec-**  
5 **utive full terms, a period of at least four years must elapse before the person is again eligible**  
6 **for appointment to serve on the board.**

7 “[*(4) A member of the board may be removed by the director for neglect of duty, incompetence or*  
8 *unethical conduct.*]

9 “[*(5)*] (4) A member of the board is entitled to compensation and expenses as provided in ORS  
10 292.495.”.

11 On page 18, delete lines 14 through 34 and insert:

12 “**SECTION 28.** ORS 688.820 is amended to read:

13 “688.820. (1) There is established within the Oregon Health Licensing Agency the Respiratory  
14 Therapist Licensing Board, consisting of five members appointed by the Governor. **The membership**  
15 **of the board shall include:**

16 “(a) **Four respiratory care practitioners; and**

17 “(b) **One public member.**

18 “(2) The term of office of each member of the board is four years, **but a member serves at the**  
19 **pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the**  
20 **unexpired term. A member shall hold the member's office until the appointment and quali-**  
21 **fication of a successor.** A member is eligible for reappointment. [*but no member shall serve more*  
22 *than two full terms. If there is a vacancy for any cause, the Governor shall make an appointment to*  
23 *become immediately effective for the unexpired term.*] **If a person serves two consecutive full**  
24 **terms, a period of at least four years must elapse before the person is again eligible for ap-**  
25 **pointment to serve on the board.**

26 “(3) The members of the board must be [*citizens*] **residents** of this state. [*who have engaged in*  
27 *the practice of respiratory care for a period of five or more years immediately preceding appointment*  
28 *to the board.*] In making appointments to the board, the Governor shall take into consideration any  
29 nominations received from the Oregon Society for Respiratory Care, or its successor.

30 “[*(4) A member of the board may be removed by the Governor for neglect of duty, incompetency*  
31 *or unethical or dishonorable conduct.*]

32 “[*(5)*] (4) A member of the board is entitled to compensation and expenses as provided in ORS  
33 292.495.”.

34 On page 24, delete lines 14 through 32 and insert:

35 “**SECTION 40.** ORS 690.155 is amended to read:

36 “690.155. (1) There is [*created*] **established** within the Oregon Health Licensing Agency the  
37 Board of Cosmetology consisting of seven members appointed by the Governor. [*Each member of the*  
38 *board shall serve for a term of three years and until a successor is appointed and qualified.*] At all  
39 times the membership of the board shall be so constituted that:

40 “(a) Six members of the board shall be practitioners with valid certificates.

41 “(b) One member shall be a public member who is not a practitioner.

42 “(2) [*A person is not eligible for appointment as a member of the board if the person has previously*  
43 *served two terms.*] **The term of office of each member of the board is four years, but a member**  
44 **serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by ap-**  
45 **pointment for the unexpired term. A member shall hold the member's office until the ap-**

1 **pointment and qualification of a successor. A member is eligible for reappointment. If a**  
2 **person serves two consecutive full terms, a period of at least four years must elapse before**  
3 **the person is again eligible for appointment to serve on the board.**

4 “[3] *A member of the board serves at the pleasure of the Governor. Vacancies shall be filled by*  
5 *the Governor, by appointment for the unexpired term.*”

6 “[4] **(3)** The Director of the Oregon Health Licensing Agency, or a designated representative,  
7 shall serve as an ex officio member of the board but without the right to vote.”.

8 On page 25, delete lines 19 through 33 and insert:

9 “**NOTE:** Section 43 was deleted by amendment. Subsequent sections were not renumbered.”.

10 On page 26, delete lines 24 through 39 and insert:

11 “**NOTE:** Section 45 was deleted by amendment. Subsequent sections were not renumbered.”.

12 On page 29, delete lines 4 through 35 and insert:

13 “**SECTION 50.** ORS 690.425 is amended to read:

14 “690.425. (1) There [*hereby is created in*] **is established within** the Oregon Health Licensing  
15 Agency the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo  
16 Artists[. *The council shall consist*] **consisting** of five members [*to be*] appointed by the Governor.

17 “(2) Members of the council [*shall*] **must** be residents of this state. [*Two members must be*  
18 *practicing electrologists with a minimum of two years of experience. One member shall be a licensed*  
19 *and practicing permanent color technician and tattoo artist. One member shall be a licensed physician*  
20 *in this state. One member shall be a public member who does not possess the professional qualifications*  
21 *of other members.*] **Membership of the council shall consist of:**

22 “**(a) Three members who are licensed under ORS 690.350 to 690.430 and who have a min-**  
23 **imum of two years of experience performing electrolysis or tattooing;**

24 “**(b) One member who is licensed under ORS chapter 677, 678 or 685 as an Oregon health**  
25 **care provider; and**

26 “**(c) One member of the public who does not possess the professional qualifications of**  
27 **other members.**

28 “(3) [*No person shall serve more than two consecutive two-year terms.*] **The term of office of**  
29 **each member of the council is four years, but a member serves at the pleasure of the Gov-**  
30 **ernor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A**  
31 **member shall hold the member’s office until the appointment and qualification of a succes-**  
32 **sor. A member is eligible for reappointment. If a person serves two consecutive full terms,**  
33 **a period of at least four years must elapse before the person is again eligible for appointment**  
34 **to serve on the council.**

35 “[4] *The term of office of a member shall begin on January 1. A member shall continue to serve*  
36 *until a successor who qualifies has been appointed. Before a member’s term expires, the Governor shall*  
37 *appoint a successor to assume the duties of office on January 1 at the expiration of the predecessor’s*  
38 *term.*”

39 “[5] *A vacancy on the council shall be filled by appointment for the unexpired term through a list*  
40 *of qualified names submitted to the Governor.*”

41 “[6] **(4)** The council shall meet at least once a year.

42 “[7] **(5)** Members of the council [*shall be*] **are** entitled to compensation and expenses as pro-  
43 vided in ORS 292.495.”.

44 Delete line 42.

45 On page 32, delete lines 36 through 45.

1 On page 33, delete lines 1 through 32 and insert:

2 “**NOTE:** Section 56 was deleted by amendment. Subsequent sections were not renumbered.

3 “**SECTION 57.** ORS 694.065 is amended to read:

4 “694.065. (1) Before an applicant may take the qualifying examination for licensure under ORS  
5 694.015 to 694.185, the applicant must:

6 “(a) Meet the training and experience requirements established by the Oregon Health Licensing  
7 Agency by rule;

8 “(b) Meet the training requirements for licensure as an audiologist or for certification of a li-  
9 censed physician by the American Board of Otolaryngology; or

10 “(c) Meet the requirements for certification by the National Board for Certification in Hearing  
11 Instrument Sciences.

12 “(2) An individual seeking to obtain the experience and training specified in subsection (1)(a)  
13 of this section necessary to take the examination shall obtain a trainee registration from the agency  
14 pursuant to rules adopted by the agency. A trainee registration issued pursuant to this subsection  
15 shall allow the holder of the registration to obtain training and experience only under the direct  
16 supervision of a hearing aid specialist licensed in the State of Oregon.

17 “(3) Examination of applicants for licensure under ORS 694.015 to 694.185 shall be held at least  
18 once each quarter at such times and places as the agency may determine.

19 “(4) Timely and appropriate notice of the time and place of the examination shall be given to  
20 each applicant and to each licensed hearing aid specialist supervising a temporary hearing aid spe-  
21 cialist pursuant to rules adopted by the agency.

22 “(5) The agency, in consultation with the Advisory Council on Hearing Aids, shall adopt rules  
23 establishing standards for examination scope, format, minimum acceptable performance and reex-  
24 amination qualifications. The examination shall be sufficiently thorough to determine the qualifica-  
25 tions, fitness and ability of the applicant to practice as a hearing aid specialist. The examination  
26 may be in the form of written, oral or practical demonstration of skills, or a combination of any such  
27 types. [*The examination shall cover at least the subjects listed in ORS 694.075.*].

28 On page 34, delete lines 15 through 45 and delete page 35.

29 On page 36, delete lines 1 through 27 and insert:

30 “**SECTION 59.** ORS 694.142 is amended to read:

31 “694.142. The Oregon Health Licensing Agency shall adopt by rule standards of practice for  
32 hearing aid specialists in providing services to consumers. The standards must include, but are not  
33 limited to:

34 “(1) Before fitting or dispensing a hearing aid, the hearing aid specialist shall determine through  
35 direct observation and a personal interview whether any of the following conditions exist:

36 “(a) Visible congenital or traumatic deformity of the ear;

37 “(b) Active drainage from the ear within the previous 90 days or a history of active drainage  
38 from the ear;

39 “(c) Sudden or rapidly progressive hearing loss within the previous 90 days;

40 “(d) Acute or chronic dizziness;

41 “(e) Unilateral hearing loss of sudden or recent onset within 90 days;

42 “(f) Significant air-bone gap of greater than or equal to 15 decibels, American National Stan-  
43 dards Institute, 500, 1,000 and 2,000 Hz average; or

44 “(g) Any other condition that the agency may establish by rule.

45 “(2) If any of the conditions listed in subsection (1) of this section are found, the hearing aid

1 specialist shall refer the person to a physician licensed under ORS chapter 677 who specializes in  
2 diseases of the ear or, if no such licensed physician is available in the community, to any physician  
3 licensed under ORS chapter 677.

4 “(3) Within the 90 days prior to fitting or dispensing a hearing aid to a person under 18 years  
5 of age, the person receiving the hearing aid must be referred to one of the following licensed med-  
6 ical physicians:

7 “(a) An otolaryngologist for examination and for a recommendation of corrective measures that  
8 may be required;

9 “(b) A properly licensed medical physician for like examination and recommendation; or

10 “(c) An audiologist licensed by the State of Oregon for an evaluation of the person’s hearing and  
11 for a recommendation of corrective measures that may be required if the person is also examined  
12 by a properly licensed medical physician who gives approval for possible hearing aid use.

13 “(4) Notwithstanding subsection (3) of this section, replacement of a hearing aid with an identi-  
14 cal hearing aid within one year of the initial fitting or dispensing of the hearing aid does not require  
15 a referral to a physician.

16 “(5)(a) Hearing aid specialists shall make clear their credentials, never representing that the  
17 services or advice of a person licensed to practice medicine and surgery, osteopathy and surgery,  
18 or a clinical audiologist will be used or made available in the selection, fitting, adjustment, mainte-  
19 nance or repair of hearing aids when that is not true. Hearing aid specialists shall also refrain from  
20 using the word ‘doctor’ or ‘clinic’ or other words, abbreviations or symbols that tend to connote an  
21 audiologic, medical or osteopathic profession when that use is not accurate.

22 “(b) A person issued a temporary license shall deal in hearing aids only under supervision of a  
23 person licensed under this chapter.

24 “(c) A hearing aid specialist shall maintain a business address and telephone number at which  
25 the specialist may be reached during normal business hours.

26 “(d) [*Sales of hearing aids shall be made by a licensed hearing aid specialist and not by direct*]  
27 **A person may not sell a hearing aid by direct mail.** For purposes of this paragraph, delivery by  
28 mail of a replacement hearing aid or parts does not constitute sale by direct mail.

29 “(6) If the person or the parent or guardian of the person refuses to seek a medical opinion from  
30 the physician to whom the person has been referred under subsection (2) or (3) of this section, the  
31 person dealing in hearing aids must obtain from the person or the parents or guardian of the person  
32 prior to fitting or dispensing a hearing aid a certificate to that effect in a form prescribed by the  
33 agency. Any person dealing in hearing aids or employees and putative agents thereof, upon making  
34 the required referral for **a medical opinion under subsection (2) of this section**, may not in any  
35 manner whatsoever disparage or discourage a prospective hearing aid user from seeking a medical  
36 opinion prior to the fitting and dispensing of a hearing aid. Nothing required to be performed by a  
37 person dealing in hearing aids under this section means that the person is engaged in the diagnosis  
38 of illness or the practice of medicine or any other activity prohibited by the provisions of ORS  
39 694.042 [*and 694.095*] and this section.

40 “**NOTE:** Section 60 was deleted by amendment. Subsequent sections were not renumbered.”.

41 On page 37, delete lines 10 and 11.

42 On page 40, delete lines 25 through 45.

43 On page 41, delete lines 1 through 5 and insert:

44 “**SECTION 66.** ORS 700.220 is amended to read:

45 “700.220. (1) The members of the Environmental Health Registration Board appointed by the

1 Governor shall be appointed from among the residents of this state and shall have the following  
2 qualifications and terms of office:

3 “(a) One shall be a physician licensed to practice medicine or surgery by the Oregon Medical  
4 Board who has an emphasis in public health.

5 “(b) Four shall be persons registered under this chapter who have at least four years of expe-  
6 rience in environmental sanitation.

7 “(c) One shall be a representative of the food or food and alcoholic beverage retail industry.

8 “(d) One shall be a public member.

9 “(2) *[Each successor to the members first appointed by the Governor and each successor to the*  
10 *members first appointed by the Governor under subsection (1)(c) and (d) of this section shall hold office*  
11 *for a term of three years to commence on July 1 following the expiration of the term of a*  
12 *predecessor.]* **The term of office of each member of the Environmental Health Registration**  
13 **Board is four years, but a member serves at the pleasure of the Governor. Vacancies shall**  
14 **be filled by the Governor by appointment for the unexpired term. A member shall hold the**  
15 **member’s office until the appointment and qualification of a successor. A member is eligible**  
16 **for reappointment. If a person serves two consecutive full terms, a period of at least four**  
17 **years must elapse before the person is again eligible for appointment to serve on the board.**

18 “*[(3) Any vacancy among the seven members appointed by the Governor shall be filled for the un-*  
19 *expired term by appointment by the Governor.]*

20 “*[(4) Any member of the Environmental Health Registration board may be removed by the Gover-*  
21 *nor for misconduct, incapacity or neglect of duty or inability to serve.]*

22 “*[(5)]* **(3)** The members of the board are entitled to compensation and expenses as provided in  
23 ORS 292.495, to be paid from the Environmental Health Registration Account.”.

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