

House Bill 2144

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Health Licensing Agency)

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**.

Modifies provisions relating to Oregon Health Licensing Agency and boards, councils and programs administered by agency.

A BILL FOR AN ACT

1
2 Relating to the Oregon Health Licensing Agency; creating new provisions; amending ORS 345.010,
3 345.400, 345.440, 345.450, 348.290, 675.370, 675.375, 675.380, 675.385, 676.607, 676.608, 676.612,
4 676.615, 676.617, 676.625, 678.730, 678.740, 678.770, 678.820, 680.505, 680.527, 687.410, 687.420,
5 687.425, 687.470, 688.718, 688.720, 688.730, 688.805, 688.815, 690.005, 690.015, 690.046, 690.047,
6 690.123, 690.155, 690.165, 690.167, 690.355, 690.360, 690.365, 690.380, 690.507, 690.510, 690.520,
7 694.025, 694.055, 694.155, 694.165 and 700.025; and repealing ORS 345.430, 675.405, 678.760,
8 678.775, 680.525, 680.530, 687.435, 688.724, 688.728, 688.834, 690.085, 690.095, 690.235, 690.385,
9 690.415, 690.550, 694.125, 694.185, 700.080 and 700.100.

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

GENERAL PROVISIONS

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12
13
14 **SECTION 1. Sections 2 to 5 of this 2011 Act are added to and made a part of ORS 676.605**
15 **to 676.625.**

16 **SECTION 2. As used in ORS 676.605 to 676.625:**

17 (1) **“Active authorization” means an authorization that is current and not suspended.**

18 (2) **“Authorization” means a certificate, license, permit or registration issued by the**
19 **Oregon Health Licensing Agency that allows a person to practice one of the occupations or**
20 **professions or maintain a facility subject to the authority of the boards, councils and pro-**
21 **grams listed in ORS 676.606.**

22 (3) **“Expired authorization” means an authorization that has been not current for more**
23 **than three years.**

24 (4) **“Inactive authorization” means an authorization that has been not current for three**
25 **years or less.**

26 **SECTION 3. (1) Except as provided in subsection (2) or (7) of this section, an authori-**
27 **zation issued by the Oregon Health Licensing Agency becomes not current on the last day**
28 **of the month, one year from the date of issuance.**

29 (2) **A certificate issued under ORS 690.005 to 690.235 becomes not current on the last day**
30 **of the month, two years from the date of issuance.**

31 (3) **In order to renew an authorization, the holder of the authorization shall submit to**

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 the agency on or before the date on which the authorization becomes not current:

2 (a) A renewal application;

3 (b) Fees established by the agency under section 4 of this 2011 Act; and

4 (c) Any other information required by the agency by rule.

5 (4) In order to activate an inactive authorization, the holder of the authorization shall
6 submit to the agency within three years after the authorization becomes not current:

7 (a) An activation application;

8 (b) Fees established by the agency under section 4 of this 2011 Act; and

9 (c) Any other information required by the agency by rule.

10 (5) In order to obtain a new authorization, the holder of an expired authorization shall
11 submit a new application, pay fees established by the agency under section 4 of this 2011 Act
12 and meet all requirements for a new authorization.

13 (6) If an authorization has been denied, suspended or revoked for commission of a pro-
14 hibited act under ORS 676.612, the agency may not issue or renew the authorization for at
15 least one year after the denial, suspension or revocation.

16 (7) The agency may vary the date on which an authorization becomes not current by
17 providing the holder with written notice of the new date and prorating the renewal fee ac-
18 cordingly.

19 (8)(a) An authorization must be posted at all times in public view at the location where
20 services are rendered, in accordance with rules adopted by the agency.

21 (b) A facility authorization must be posted at all times in public view at the facility ad-
22 dress on file with the agency.

23 (9) This section does not apply to temporary or demonstration authorizations issued by
24 the agency.

25 **SECTION 4.** (1) The Oregon Health Licensing Agency shall establish by rule and collect
26 fees for the following:

27 (a) Application for authorization;

28 (b) Original authorization;

29 (c) Renewal of authorization;

30 (d) Examination;

31 (e) Demonstration authorization;

32 (f) Temporary or provisional authorization;

33 (g) Replacement authorization;

34 (h) Late renewal of authorization;

35 (i) Reciprocity;

36 (j) Freelance authorization;

37 (k) Renewal of dormant authorization;

38 (L) Activation of inactive authorization;

39 (m) Verification of authorization;

40 (n) Duplicate authorization;

41 (o) Education or training provided by the agency; and

42 (p) Providing copies of official documentation or records and for recovering administra-
43 tive costs associated with compiling, photocopying, preparing and delivering the documenta-
44 tion or records.

45 (2) All moneys collected by the agency under this section shall be paid into the General

1 **Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account**
 2 **established under ORS 676.625.**

3 **SECTION 5.** (1) As used in this section, “career school” has the meaning given that term
 4 **in ORS 345.010.**

5 (2) In exercising its powers and performing its duties under ORS 676.605 to 676.625 and
 6 676.992, the Oregon Health Licensing Agency may provide administrative services for career
 7 schools preparing students to hold an authorization in one of the occupations or professions
 8 regulated by the agency. The services may include, but need not be limited to, inspections
 9 of school, student and financial records.

10 (3) The agency shall enter into a written agreement with the Department of Education
 11 or the Employment Department before providing administrative services to a career school
 12 as described in this section.

13 **SECTION 6.** ORS 676.607 is amended to read:

14 676.607. (1) The Oregon Health Licensing Agency is responsible for the administration and reg-
 15 ulatory oversight of the boards, councils and programs listed in ORS 676.606. The responsibilities
 16 of the agency include, but are not limited to:

17 (a) Budgeting;

18 (b) Record keeping;

19 (c) Staffing;

20 (d) Contracting;

21 (e) Consumer protection and investigating complaints;

22 (f) [Approving] **Establishing** and collecting fees;

23 (g) Establishing and administering uniform application processes for the issuance of [*certificates,*
 24 *licenses, permits and registrations*] **authorizations**;

25 (h) Issuing and renewing [*certificates, licenses, permits and registrations*] **authorizations**;

26 (i) Conditioning, limiting, suspending, revoking or refusing to issue or renew [*a certificate, li-*
 27 *cence, permit or registration*] **an authorization** or otherwise disciplining [*applicants, certificate hold-*
 28 *ers, licensees, permit holders and registration*] **authorization** holders;

29 (j) Sanctioning any examination service provider, interpreter or proctor who is under contract
 30 or agreement with the agency and who compromises the security, confidentiality or integrity of ex-
 31 aminations developed or conducted pursuant to the statutory authority of the boards and councils
 32 listed in ORS 676.606;

33 (k) Enforcing all administrative rules adopted under any statute the agency is charged with
 34 enforcing, including board, council and program administrative rules establishing professional code
 35 of conduct and practice standards, continuing education requirements, the scope of professional
 36 practice and requirements for obtaining informed consent before providing certain services or per-
 37 forming any procedure on clients;

38 (L) Preparing, tracking and reporting agency performance measures;

39 (m) Implementing regulatory streamlining initiatives to reduce regulatory burdens without com-
 40 promising regulatory standards;

41 (n) Preparing and circulating printed and electronic materials for educating or otherwise as-
 42 sisting [*applicants, certificate holders, licensees, permit holders and registration*] **authorization** hold-
 43 ers and the public;

44 (o) Adopting rules for the issuance of waivers or provisional authorizations to practice, and es-
 45 tablishing special conditions of practice, during a state of emergency declared by the Governor un-

1 der ORS 401.165;

2 (p) Referring impaired practitioners to a diversion program approved or recognized by the
 3 agency and establishing criteria by rule for monitoring the impaired practitioner’s progress and
 4 successful completion of the program; and

5 (q) Establishing requirements for additional education, training or supervised experience to
 6 achieve compliance with the laws and rules governing professional practice.

7 (2) The enumeration of duties, functions and powers in subsection (1) of this section is not in-
 8 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the
 9 agency by other statutes.

10 **SECTION 7.** ORS 676.608 is amended to read:

11 676.608. (1) As used in this section,[:]

12 [(a) “Holder” means a person who holds a certificate, license, permit or registration to practice is-
 13 sued by the Oregon Health Licensing Agency.]

14 [(b)] “public entity” has the meaning given that term in ORS 676.177.

15 (2)(a) The agency shall carry out all investigatory duties **relating to the boards, councils and**
 16 **programs listed in ORS 676.606.**

17 (b) Upon its own motion, the agency may initiate and conduct investigations of matters relating
 18 to the practice of occupations or professions subject to the authority of the boards, councils and
 19 programs listed in ORS 676.606.

20 (c) When the agency receives a complaint by any person against [a] **an authorization** holder,
 21 the agency shall investigate the complaint as provided in ORS 676.165.

22 (3) While conducting an investigation authorized under subsection (2) of this section or a hear-
 23 ing related to an investigation, the agency may:

24 (a) Take evidence;

25 (b) Administer oaths;

26 (c) Take the depositions of witnesses, including the person charged;

27 (d) Compel the appearance of witnesses, including the person charged;

28 (e) Require answers to interrogatories;

29 (f) Compel the production of books, papers, accounts, documents and testimony pertaining to the
 30 matter under investigation; and

31 (g) Conduct criminal and civil background checks to determine conviction of a crime that bears
 32 a demonstrable relationship to the field of practice.

33 (4) In exercising its authority under this section, the agency may issue subpoenas over the sig-
 34 nature of the Director of the Oregon Health Licensing Agency or designated employee thereof and
 35 in the name of the State of Oregon.

36 (5) If a person fails to comply with a subpoena issued under this section, the judge of the Circuit
 37 Court for Marion County may compel obedience by initiating proceedings for contempt as in the
 38 case of disobedience of the requirements of a subpoena issued from the court.

39 (6) If necessary, the director, or an employee designated by the director, may appear before a
 40 magistrate empowered to issue warrants in criminal cases to request that the magistrate issue a
 41 warrant. The magistrate shall issue a warrant, directing it to any sheriff or deputy or police officer,
 42 to enter the described property, to remove any person or obstacle, to defend any threatened violence
 43 to the director or a designee of the director or an officer, upon entering private property, or to as-
 44 sist the director in enforcing the agency’s authority in any way.

45 (7) In all investigations and hearings, the agency and any person affected [thereby] **by the in-**

1 **vestigation or hearing** may have the benefit of counsel.

2 (8) If [a] **an authorization** holder who is the subject of a complaint or an investigation is to
3 appear before the agency, the agency shall provide the **authorization** holder with a current sum-
4 mary of the complaint or the matter being investigated not less than 10 days before the date that
5 the **authorization** holder is to appear. At the time the summary of the complaint or the matter be-
6 ing investigated is provided, the agency shall provide the **authorization** holder with a current
7 summary of documents or alleged facts that the agency has acquired as a result of the investigation.
8 The name of the complainant may be withheld from the **authorization** holder.

9 (9) [A] **An authorization** holder who is the subject of an investigation, and any person acting
10 on behalf of the **authorization** holder, may not contact the complainant until the **authorization**
11 holder has requested a contested case hearing and the agency has authorized the taking of the
12 complainant's deposition pursuant to ORS 183.425.

13 (10) Except in an investigation or proceeding conducted by the agency or another public entity,
14 or in an action, suit or proceeding in which a public entity is a party, [a] **an authorization** holder
15 may not be questioned or examined regarding any communication with the agency made in an ap-
16 pearance before the agency as part of an investigation.

17 (11) This section does not prohibit examination or questioning of [a] **an authorization** holder
18 regarding records about the **authorization** holder's care and treatment of a patient or affect the
19 admissibility of those records.

20 **SECTION 8.** ORS 676.612 is amended to read:

21 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases and as specified
22 in ORS 675.385, 678.780, 680.535, 687.445, 688.734, 688.836, 690.167, 690.407, 690.515, 694.147 and
23 700.111, the Oregon Health Licensing Agency may refuse to issue or renew, may suspend or revoke
24 or may otherwise condition or limit [a *certificate, license, permit or registration to practice issued by*
25 *the agency*] **an authorization** or may discipline or place on probation [a *holder of a certificate, li-*
26 *cence, permit or registration*] **an authorization holder** for commission of the prohibited acts listed
27 in subsection (2) of this section.

28 (2) A person subject to the authority of a board, council or program listed in ORS 676.606
29 commits a prohibited act if the person engages in:

30 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
31 taining an authorization to practice in this state, or in any written or oral communication to the
32 agency concerning the issuance or retention of the authorization.

33 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
34 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
35 published, that is false, misleading or deceptive.

36 (c) Making a representation that the [*certificate, license, permit or registration*] **authorization**
37 holder knew or should have known is false or misleading regarding skill or the efficacy or value of
38 treatment or remedy administered by the **authorization** holder.

39 (d) Practicing under a false, misleading or deceptive name, or impersonating another [*certificate,*
40 *license, permit or registration*] **authorization** holder.

41 (e) Permitting a person other than the [*certificate, license, permit or registration*] **authorization**
42 holder to use the [*certificate, license, permit or registration*] **authorization**.

43 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
44 to the **authorization** holder [*of a certificate, license, permit or registration*] or to the person or
45 property of others in the course of performing the **authorization** holder's duties.

1 (g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing
2 substances, or engaging in the illegal use of controlled substances or other skill-impairing sub-
3 stances so as to create a risk of harm to the person or property of others in the course of per-
4 forming the duties of [a] **an authorization** holder [of a *certificate, license, permit or registration*].

5 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

6 (i) Employing, directly or indirectly, any [*suspended, uncertified, unlicensed or unregistered*] per-
7 son to practice a regulated occupation or profession subject to the authority of the boards, councils
8 and programs listed in ORS 676.606 **if the person does not hold an authorization to practice the**
9 **occupation or profession.**

10 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
11 or failure to conform to standards of practice in performing services or practicing in a regulated
12 occupation or profession subject to the authority of the boards, councils and programs listed under
13 ORS 676.606.

14 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
15 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
16 conviction. A plea of no contest or an admission of guilt [*shall be considered*] is a conviction for
17 purposes of this paragraph.

18 (L) Failing to report any adverse action, as required by statute or rule, taken against the [*cer-*
19 *tificate, license, permit or registration*] **authorization** holder by another regulatory jurisdiction or
20 any peer review body, health care institution, professional association, governmental agency, law
21 enforcement agency or court for acts or conduct similar to acts or conduct that would constitute
22 grounds for disciplinary action as described in this section.

23 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
24 boards, councils and programs listed in ORS 676.606.

25 (n) Violation of [*any*] a rule regulating an occupation or profession subject to the authority of
26 the boards, councils and programs listed in ORS 676.606.

27 (o) Failing to cooperate with the agency in any investigation, inspection or request for infor-
28 mation.

29 (p) Selling or fraudulently obtaining or furnishing [*any certificate, license, permit or registration*]
30 **an authorization** to practice in a regulated occupation or profession subject to the authority of the
31 boards, councils and programs listed in ORS 676.606, or aiding or abetting such an act.

32 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
33 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
34 676.606, or aiding or abetting such an act.

35 (r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of
36 any order issued by the agency that has become final.

37 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
38 181.534, the agency may require the fingerprints of a person who is:

39 (a) Applying for [*a certificate, license, permit or registration that is issued by the agency*] **an au-**
40 **thorization;**

41 (b) Applying for renewal of [*a certificate, license, permit or registration that is issued by the*
42 *agency*] **an authorization;** or

43 (c) Under investigation by the agency.

44 (4) If the agency places [a] **an authorization** holder [*of a certificate, license, permit or registra-*
45 *tion*] on probation under subsection (1) of this section, the agency, in consultation with the appro-

1 priate board, council or program, may determine and at any time modify the conditions of the
 2 probation.

3 (5) If *[a certificate, license, permit or registration]* **an authorization** is suspended, the **authori-**
 4 **zation** holder may not practice during the term of suspension. Upon the expiration of the term of
 5 suspension, the *[certificate, license, permit or registration]* **authorization** may be reinstated by the
 6 agency if the conditions of suspension no longer exist and the **authorization** holder has satisfied
 7 all requirements in the relevant statutes or administrative rules for issuance[,] **or** renewal *[or rein-*
 8 *statement]*.

9 **SECTION 9.** ORS 676.615 is amended to read:

10 676.615. (1) In accordance with applicable provisions of ORS chapter 183, the Director of the
 11 Oregon Health Licensing Agency may adopt rules necessary for the administration of the laws that
 12 the Oregon Health Licensing Agency is charged with administering.

13 (2) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules
 14 necessary for the administration of ORS 676.605 to 676.625 and 676.992.

15 (3) The agency may adopt rules establishing requirements for placement of *[a certificate, license,*
 16 *permit or registration issued by the agency]* **an authorization** in a dormant status upon application
 17 by the **authorization** holder *[and establishing conditions for reactivation of the certificate, license,*
 18 *permit or registration]*.

19 (4) Pursuant to ORS 676.605 and 676.607, the agency may adopt rules to recognize specialties
 20 within a regulated field of practice subject to the authority of the boards, councils or programs
 21 listed in ORS 676.606 and may establish requirements for education, experience, examinations and
 22 supervision as necessary to ensure public safety and competency within the specialty.

23 **SECTION 10.** ORS 676.617 is amended to read:

24 676.617. (1) As used in this section, “single facility license” means a license to provide services
 25 in a single location in more than one of the following practice areas:

26 (a) Barbering, esthetics, hair design, *[or]* nail technology **or cosmetology**, as provided in ORS
 27 690.005 to 690.235;

28 (b) Electrolysis, as provided in ORS 690.350 to 690.430;

29 (c) Permanent coloring, as provided in ORS 690.350 to 690.430;

30 (d) Tattooing, as provided in ORS 690.350 to 690.430; and

31 (e) Body piercing, as provided in ORS 690.500 to 690.550.

32 (2) The Oregon Health Licensing Agency may issue a single facility license to an applicant that:

33 (a) Owns the facility to be licensed;

34 (b) If a natural person, is at least 18 years of age or, if an entity other than a natural person,
 35 is formed and operated in accordance with Oregon law;

36 (c) Has paid all required fees, as determined by the agency; and

37 (d) Has filed an application in the form and manner required by the agency.

38 *[(3)(a) A single facility license expires annually, unless otherwise specified by rule adopted by the*
 39 *agency, on a date determined by the agency.]*

40 *[(b) A single facility license may be renewed by submitting, prior to the expiration date of the li-*
 41 *cence, the required renewal fees and a renewal application in the form and manner prescribed by the*
 42 *agency.]*

43 *[(c) The agency may impose a delinquency fee or require a new application for the failure to renew*
 44 *a single facility license prior to the date on which it expires.]*

45 *[(4) The agency shall establish by rule and collect fees associated with single facility licenses. Fees*

1 *shall be established for:]*

2 *[(a) Application;]*

3 *[(b) Original license;]*

4 *[(c) License renewal;]*

5 *[(d) Delinquent renewal;]*

6 *[(e) Replacement license; and]*

7 *[(f) Compiling, photocopying, preparing and delivering copies of documents and records.]*

8 *[(5) All moneys received by the agency under this section shall be paid into the General Fund of*
 9 *the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated*
 10 *continuously to and shall be used by the agency as authorized by ORS 676.625.]*

11 *[(6) A single facility license holder shall ensure that the:]*

12 *[(a) Single facility license is displayed in public view where services are being rendered; and]*

13 *[(b) Facility authorized by the single facility license complies with all statutes and rules governing*
 14 *facilities in which services in the practice areas authorized by the license of the holder are provided.]*

15 *[(7) The agency may suspend, condition, limit, revoke or refuse to issue or renew a single facility*
 16 *license, or may place on probation or otherwise discipline a single facility license holder, for the rea-*
 17 *sons specified in ORS 676.612, 690.167, 690.407 or 690.515 or for failure to comply with subsection (6)*
 18 *of this section.]*

19 **SECTION 11.** ORS 676.625 is amended to read:

20 676.625. (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees
 21 and charges to carry out the agency's responsibilities under ORS 676.605 to 676.625 and 676.992 and
 22 any responsibility imposed on the agency pertaining to the boards, councils and programs adminis-
 23 tered and regulated by the agency pursuant to ORS 676.606.

24 (2) The Oregon Health Licensing Agency Account is established in the General Fund of the
 25 State Treasury. The account shall consist of the moneys credited to the account by the Legislative
 26 Assembly. All moneys in the account are appropriated continuously to and shall be used by the
 27 Oregon Health Licensing Agency for payment of expenses of the agency in carrying out the duties,
 28 functions and obligations of the agency, and for payment of the expenses of the boards, councils and
 29 programs administered and regulated by the agency pursuant to ORS 676.606. The agency shall keep
 30 a record of all moneys credited to the account and report the source from which the moneys are
 31 derived and the activity of each board, council or program that generated the moneys.

32 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report
 33 to the Emergency Board prior to *[adopting]* **establishing** fees and charges credited to the account,
 34 the fees and charges may not exceed the cost of administering the agency and the boards, councils
 35 and programs within the agency, as authorized by the Legislative Assembly within the agency's
 36 budget, as the budget may be modified by the Emergency Board.

37 (4) All moneys credited to the account pursuant to *[ORS 675.405, 676.617, 680.525, 687.435,*
 38 *688.728, 688.834, 690.235, 690.415, 690.550, 694.185 and 700.080,]* **section 4 of this 2011 Act** and
 39 moneys credited to the account from other agency and program fees established by the agency by
 40 rule[,] are continuously appropriated to the agency for carrying out the duties, functions and powers
 41 of the agency under ORS 676.605 to 676.625 and 676.992.

42 (5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and
 43 accounted for as are other moneys received by the agency and shall be for the administration and
 44 enforcement of the statutes governing the boards, councils and programs administered by the
 45 agency.

NURSING HOME ADMINISTRATORS

SECTION 12. ORS 678.730 is amended to read:

678.730. (1) An individual qualifies for licensure as a nursing home administrator if the individual:

[(a) Meets the education, training and other standards established by rules of the Nursing Home Administrators Board. The board shall establish standards that accept one year of experience as an administrator serving a dual facility in lieu of any residency or intern requirement that may be established by the board; and]

(a) Has a baccalaureate degree from an accredited school of higher education;

(b) Has passed an examination as provided in ORS 678.740[.]; and

(c) Has completed training requirements established by the Nursing Home Administrators Board by rule.

[(2) A license holder may renew a license as provided by ORS 678.760. The board may require up to 50 hours of continuing education in any one-year period for a renewed license.]

[(3) In establishing educational standards pursuant to subsection (1)(a) of this section, the board shall require a baccalaureate degree from an accredited school of higher education. However, the educational requirement does not apply to any person who:]

[(a) Was a licensed administrator in any jurisdiction of the United States prior to January 1, 1983; or]

[(b) Was an administrator of a dual facility meeting the experience requirements pursuant to subsection (1)(a) of this section.]

(2) The requirement that an individual have a baccalaureate degree under subsection (1)(a) of this section does not apply to a person who was licensed as a nursing home administrator in any state or territory of the United States before January 1, 1983.

(3) The training requirements established under subsection (1)(c) of this section do not apply to a person who has at least one year of experience as an administrator of a dual facility.

(4) Notwithstanding the requirements established under subsection (1) of this section, upon the request of the governing body of a hospital, as defined in ORS 442.015, the board shall adopt standards by rule that deem a health care administrator to have met the requirements for licensure as a nursing home administrator if the health care administrator possesses an advanced degree in management and has at least 10 years of experience in health care management.

SECTION 13. ORS 678.740 is amended to read:

678.740. (1) Examinations for licensure as a nursing home administrator shall be conducted at such times and places as the Nursing Home Administrators Board designates, but not less than once a year. *[The fee for examination or reexamination shall be determined by]* The Oregon Health Licensing Agency **shall establish the fee for examination or reexamination** under *[ORS 678.775]* **section 4 of this 2011 Act.**

(2) The board shall, consistent with the purposes for which the examination is given, determine the subjects, scope, content and the minimum passing grade for examinations.

SECTION 14. ORS 678.770 is amended to read:

678.770. (1) The Nursing Home Administrators Board may establish by rule standards for the issuance of a license by endorsement, without examination, to an applicant who:

(a) Meets the requirements as established by the board; and

1 (b) On the date of making application, is a nursing home administrator licensed under the laws
2 of any other state or territory of the United States if the requirements for licensing of nursing home
3 administrators in the state or territory in which the applicant is licensed are not less than those
4 required by ORS 678.710 to 678.820.

5 (2) Each applicant under this section shall pay to the Oregon Health Licensing Agency at the
6 time of filing the application a fee determined by the agency under [ORS 678.775] **section 4 of this**
7 **2011 Act.**

8 **SECTION 15.** ORS 678.820 is amended to read:

9 678.820. (1) The Nursing Home Administrators Board is responsible for advising the Oregon
10 Health Licensing Agency in all matters relating to the administration of ORS 678.710 to 678.820,
11 including:

12 (a) Developing standards for education and training;

13 (b) Developing standards of practice and professional conduct;

14 (c) Establishing standards related to the issuance, denial, revocation, suspension or renewal of
15 licenses to practice as a nursing home administrator;

16 (d) Preparing or approving the examinations required under ORS 678.710 to 678.820, in accord-
17 ance with standards provided by the agency; [and]

18 (e) Assisting the agency in administering the provisions of ORS 678.710 to 678.820[.]; **and**

19 **(f) Establishing continuing education requirements for renewal of a license.**

20 (2) The Oregon Health Licensing Agency shall administer ORS 678.710 to 678.820 by:

21 (a) Determining the qualifications and fitness of applicants for licenses, renewed licenses, re-
22 ciprocals licenses and provisional licenses under ORS 678.710 to 678.820.

23 (b) Examining, approving, issuing, denying, revoking, suspending and renewing licenses to prac-
24 tice as a nursing home administrator.

25 (c) Providing for waivers of examinations or provisional licenses.

26 (d) Establishing and carrying out procedures to ensure compliance with professional standards
27 adopted by the board.

28 (e) Pursuant to ORS 676.608, receiving and investigating complaints filed regarding nursing
29 home administrators.

30 (f) Establishing and collecting fees and charges to carry out the agency's duties under ORS
31 678.710 to 678.820.

32 (g) In accordance with ORS 183.330 and 676.615, adopting, amending and repealing rules that
33 are necessary to carry out the administration of ORS 678.710 to 678.820.

34 (h) Maintaining a register of all licensed nursing home administrators.

35 [(3) *The agency shall consider and be guided by the recommendations of the board in all matters*
36 *relating to the administration of ORS 678.710 to 678.820.*]

37
38 **DENTURE TECHNOLOGISTS**

39
40 **SECTION 16.** ORS 680.505 is amended to read:

41 680.505. Unless the person holds [a valid] **an active** license issued under ORS 680.500 to 680.565,
42 a person [shall] **may** not:

43 (1) Engage, or offer to engage, in the practice of denture technology; or

44 (2) Use in connection with the name of the person the word "denturist" or any other words,
45 letters or abbreviations or insignia tending to indicate that such person is engaged in the practice

1 of denture technology.

2 **SECTION 17.** ORS 680.527 is amended to read:

3 680.527. The Oregon Health Licensing Agency may issue a license to practice denture technol-
4 ogy, without examination, to any person who:

5 (1) Submits an application and pays the fees required under [ORS 680.525] **section 4 of this 2011**
6 **Act**;

7 (2) Has satisfied the educational requirements established by ORS 680.515;

8 (3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada
9 or a territory of the United States, and the standards for licensing of denturists in the licensing
10 jurisdiction are determined by the agency to be substantially equivalent to those of ORS 680.500 to
11 680.565;

12 (4) Has passed a written and practical examination that the agency determines to be substan-
13 tially equivalent to the examination required for licensure in this state; and

14 (5) Has engaged in the full-time active practice of denture technology as a licensed denturist in
15 another jurisdiction for a minimum of two years immediately preceding the date of application for
16 licensure under this section.

17
18 **DIRECT ENTRY MIDWIVES**

19
20 **SECTION 18.** ORS 687.410 is amended to read:

21 687.410. [No] A person [shall] **may not** use the title “licensed direct entry midwife,” any ab-
22 breviation thereof or the initials “L.D.M.” unless the person possesses [a valid] **an active** license
23 issued under ORS 687.405 to 687.495.

24 **SECTION 19.** ORS 687.420 is amended to read:

25 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifica-
26 tions for the licensure of direct entry midwives. Such standards shall include:

27 (a) Sufficient knowledge in the following areas:

28 (A) Techniques in taking patient histories;

29 (B) Anatomy and physiology of the female reproductive system;

30 (C) Appropriate use of diagnostic testing;

31 (D) Necessity for referral;

32 (E) Pathology in childbirth;

33 (F) Mechanisms of labor;

34 (G) Aseptic techniques;

35 (H) Postpartum care;

36 (I) Examinations of newborn infants; and

37 (J) Family planning;

38 (b) Successful passage of written and oral examinations;

39 (c) Participation in:

40 (A) 25 assisted deliveries;

41 (B) 25 deliveries for which the midwife was the primary care provider;

42 (C) 100 prenatal care visits;

43 (D) 25 newborn examinations; and

44 (E) 40 postnatal examinations;

45 (d) Current certification in cardiopulmonary resuscitation for infants and adults; and

1 (e) A written plan for emergency transport.

2 (2) Any person who desires to become licensed as a direct entry midwife shall submit an appli-
 3 cation to the Oregon Health Licensing Agency stating the applicant's qualifications for licensure.
 4 If the applicant meets the standards established under subsection (1) of this section and the appli-
 5 cant is not disqualified from licensure under ORS 676.612, the agency shall issue an annual license
 6 to the direct entry midwife. The agency shall impose a fee for licensure and examination [*in the*
 7 *amount established pursuant to ORS 687.435*] **under section 4 of this 2011 Act.**

8 (3) Any direct entry midwife licensed under this section is entitled to payment under the rules
 9 of the medical assistance program for services provided to any eligible recipient of medical assist-
 10 ance.

11 **SECTION 20.** ORS 687.425 is amended to read:

12 687.425. (1) [*Except as provided in subsection (2) of this section, a license issued by the Oregon*
 13 *Health Licensing Agency for a direct entry midwife expires after one year.*] The **Oregon Health Li-**
 14 **censing Agency** shall renew a **direct entry midwife** license upon:

15 (a) **Satisfaction of the requirements of section 3 of this 2011 Act;**

16 (b) Receipt of [*the renewal application and fee and*] proof of current cardiopulmonary resusci-
 17 tation certification for infants and adults[. *The applicant must be in compliance with the rules adopted*
 18 *by the State Board of Direct Entry Midwifery and the agency.*]; **and**

19 (c) **Satisfaction of the requirements for renewal prescribed by the State Board of Direct**
 20 **Entry Midwifery under subsections (2) and (3) of this section.**

21 [(2) *The agency shall establish a procedure for the renewal of licenses. The agency may vary the*
 22 *renewal date of a license by giving the applicant written notice of the renewal date being assigned and*
 23 *by making prorated adjustments to the renewal fee.*]

24 [(3)] (2) The board shall prescribe requirements for license renewal including, but not limited to,
 25 continuing education that must include training in use of legend drugs and devices. [*In addition to*
 26 *continuing education requirements,*]

27 (3) **The board shall require** a midwife who has attended fewer than five births in the previous
 28 year [*shall be required*] to take an additional 10 hours of continuing education as prescribed by the
 29 board. [*All licensing requirements shall be approved by the board by rule.*]

30 [(4) *The agency shall adopt by rule requirements for late renewal of a license, reactivation of an*
 31 *expired license or reinstatement of a license that has been expired for more than three consecutive*
 32 *years.*]

33 [(5) *If the license of a direct entry midwife has been denied, suspended or revoked for commission*
 34 *of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the license for up to*
 35 *one year from the date of denial, suspension or revocation.*]

36 [(6) *The agency may mail a notice of renewal to the last-known address of the license holder.*]

37 **SECTION 21.** ORS 687.470 is amended to read:

38 687.470. (1) There is established within the Oregon Health Licensing Agency the State Board
 39 of Direct Entry Midwifery. The board consists of [*eight*] **seven** members appointed by the Governor
 40 and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All
 41 members of the board must be residents of this state. Of the members of the board:

42 (a) Four must be licensed direct entry midwives.

43 (b) [*Two*] **One** must be a certified nurse [*midwives*] **midwife.**

44 (c) One must be a physician licensed under ORS chapter 677 involved at the time of appointment
 45 in obstetrical care or education.

1 (d) One must be a member of the public.

2 (2)(a) Board members required to be licensed direct entry midwives may be selected by the
3 Governor from a list of three to five nominees for each vacancy, submitted by a professional or-
4 ganization representing direct entry midwives.

5 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
6 tation on the board according to:

7 (A) Geographic areas of this state; and

8 (B) Ethnic group.

9 (3)(a) The term of office of each member is three years, but a member serves at the pleasure of
10 the Governor. The terms must be staggered so that no more than three terms end each year. Va-
11 cancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold
12 the member's office until the appointment and qualification of a successor. A member is eligible for
13 reappointment. If a person serves two consecutive full terms, a period of at least three years must
14 elapse before the person is again eligible for appointment to serve on the board.

15 (b) A board member shall be removed immediately from the board if, during the member's term,
16 the member:

17 (A) Is not a resident of this state;

18 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
19 cused; or

20 (C) Is not a licensed direct entry midwife or a retired direct entry midwife who was a licensed
21 direct entry midwife in good standing at the time of retirement, if the board member was appointed
22 to serve on the board as a direct entry midwife.

23 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.
24 The agency may provide by rule for compensation to board members for the performance of official
25 duties at a rate that is greater than the rate provided in ORS 292.495.

26
27 **ATHLETIC TRAINERS**

28
29 **SECTION 22.** ORS 688.718 is amended to read:

30 688.718. (1) A person may not practice athletic training or claim to be a registered athletic
31 trainer unless the person is registered under ORS 688.720.

32 (2) Nothing in ORS 688.701 to 688.734 is intended to:

33 (a) Limit, preclude or otherwise interfere with the practices of health care providers or other
34 persons licensed or registered in this state under any other statutes, or prevent health care pro-
35 viders or other persons from engaging in the profession or occupation for which the health care
36 provider or person is licensed or registered;

37 (b) Prevent any person from practicing athletic training if the person is employed as an athletic
38 trainer by the federal government or any of its agencies;

39 (c) Preclude any person from pursuing a supervised course of study leading to a degree or reg-
40 istration as an athletic trainer in an accredited or approved educational program if the person is
41 identified by a title that clearly indicates student or trainee status;

42 (d) Prevent any person from completing any supervised practical experience requirements es-
43 tablished by the Board of Athletic Trainers by rule; or

44 (e) Prohibit any person from performing athletic training services in this state for purposes of
45 continuing education, consulting or training if the services are performed for no more than 60 days

1 in any calendar year and are performed in association with a registered athletic trainer if the per-
2 son is:

3 (A) Registered or licensed and in good standing as an athletic trainer in another state; or

4 (B) Certified by and in good standing as an athletic trainer with [*the National Athletic Trainers*
5 *Association*] a board of certification **for athletic trainers approved by the Board of Athletic**
6 **Trainers.**

7 (3) Nothing in ORS 688.701 to 688.734 shall be construed to require registration of elementary
8 or secondary school teachers, coaches or volunteers who do not hold themselves out to the public
9 to be athletic trainers.

10 **SECTION 23.** ORS 688.720 is amended to read:

11 688.720. An applicant for registration as an athletic trainer under ORS 688.701 to 688.734 shall
12 be issued a registration if the applicant has:

13 (1) Provided to the Board of Athletic Trainers adequate proof of receipt of a bachelor's degree
14 from an accredited four-year college or university and has met the minimum athletic training cur-
15 riculum requirements established by the Board of Athletic Trainers and adopted by rule;

16 (2) Successfully completed [*the*] a certification examination administered by [*the National Ath-*
17 *letic Trainers Association*] a board of certification [*or equivalent examination*] **for athletic trainers**
18 approved [*or recognized*] by the Board of Athletic Trainers;

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

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

23 (5) Paid all fees required for registration.

24 **SECTION 24.** ORS 688.730 is amended to read:

25 688.730. (1) A person who is a registered athletic trainer under ORS 688.701 to 688.734 may use
26 the title "Athletic Trainer, Registered" and the abbreviation "ATR."

27 (2) A person who is a registered athletic trainer under ORS 688.701 to 688.734 and who is cer-
28 tified by [*the National Athletic Trainers Association*] a board of certification **for athletic trainers**
29 **approved by the Board of Athletic Trainers** may use the title "Athletic Trainer,
30 Certified/Registered" and the abbreviation ["*ATC/R.*"] "**ATC.**"

31
32 **RESPIRATORY CARE PRACTITIONERS**

33
34 **SECTION 25.** ORS 688.805 is amended to read:

35 688.805. (1) [*No*] A person [*shall*] **may not** practice respiratory care or claim to be a respiratory
36 care practitioner unless the person is licensed under ORS 688.800 to 688.840.

37 (2) Nothing in ORS 688.800 to 688.840 is intended to limit, preclude or otherwise interfere with
38 the practices of other persons and health providers licensed by appropriate agencies of this state.

39 (3) Nothing in ORS 688.800 to 688.840 prohibits:

40 (a) The practice of respiratory care by students enrolled in a respiratory care education pro-
41 gram approved by the American Medical Association in collaboration with the Joint Review Com-
42 mittee for Respiratory Therapy Education or their successors or equivalent organizations, as
43 approved by the board.

44 (b) Self-care by a patient, or gratuitous care by a friend or family member who does not claim
45 to be a respiratory care practitioner.

1 (c) Respiratory care services rendered in the course of an emergency.

2 (4) Persons in the military services or working in federal facilities are exempt from the pro-
3 visions of ORS 688.800 to 688.840 when functioning in the course of assigned duties.

4 (5) Nothing in ORS 688.800 to 688.840 is intended to permit the practice of medicine by a person
5 licensed to practice respiratory care unless the person is also licensed to practice medicine.

6 (6) The practice of respiratory care may be performed in any clinic, hospital, skilled nursing
7 facility, private dwelling or other *[place]* **setting** considered appropriate or necessary by the Re-
8 spiratory Therapist Licensing Board in accordance with the prescription or verbal order of a phy-
9 sician and shall be performed under a qualified medical director.

10 **SECTION 26.** ORS 688.815 is amended to read:

11 688.815. (1) An applicant for a license to practice respiratory care shall submit to the Oregon
12 Health Licensing Agency written evidence that the applicant:

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

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

16 (c) Has completed a respiratory care education program approved by the American Medical
17 Association in collaboration with the Joint Review Committee for Respiratory Therapy Education
18 or their successors or equivalent organizations, as approved by the Respiratory Therapist Licensing
19 Board.

20 (2) The applicant shall be required to pass an examination, approved by the board, whereupon
21 the agency may issue to the applicant a license to practice respiratory care.

22 (3) The agency may choose to issue a license to practice respiratory care by endorsement or
23 reciprocity to:

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

27 (b) An applicant holding a credential conferred by the National Board for Respiratory Care as
28 a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or both,
29 providing the credential has not been suspended or revoked.

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

32 *[(5)(a) The licensee is responsible for filing a license renewal application form.]*

33 *[(b) The licensee must submit to the agency a completed renewal application, required renewal fee*
34 *and satisfactory evidence of having completed any required continuing education credits on or before*
35 *the expiration date of the license as specified by agency rule.]*

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

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

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

44
45

COSMETOLOGISTS

1 **SECTION 27.** ORS 690.005 is amended to read:

2 690.005. As used in ORS 690.005 to 690.235:

3 (1) “Barbering” means any of the following practices, when done upon the human body for cos-
4 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

5 (a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.

6 (b) Applying hair tonics, dressings and rinses.

7 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
8 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such
9 appliances shall not be galvanic or faradic.

10 (d) Shaving, trimming or cutting of the beard or mustache.

11 [(2) “Board” means the Board of Cosmetology, created within the Oregon Health Licensing
12 Agency.]

13 [(3)] (2) “Certificate” means a written authorization for the holder to perform in one or more
14 fields of practice.

15 [(4)] (3) “Cosmetology” means the art or science of beautifying and improving the skin, nails and
16 hair [and the study of cosmetics and their application], **including the following skin, nail and hair**
17 **practices performed on the human body for the purpose of keeping the skin, nails and hair**
18 **on the human body healthy and attractive and not for medical diagnosis or treatment of**
19 **disease or physical or mental ailments:**

20 (a) **Esthetics;**

21 (b) **Hair design; and**

22 (c) **Nail technology.**

23 [(5)] (4) “Demonstration permit” means a written authorization for a person to practice, dem-
24 onstrate and teach one or more fields of practice on a temporary basis.

25 [(6)] (5) “Esthetics” means any of the following skin care practices performed on the human
26 body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or
27 treatment of disease or physical or mental ailments:

28 (a) The use of the hands or mechanical or electrical apparatuses or appliances for cleansing,
29 stimulating, manipulating, exfoliating or applying lotions or creams.

30 (b) Temporary removal of hair.

31 (c) Makeup artistry.

32 (d) Facial and body wrapping.

33 (e) Facial and body waxing.

34 [(7)] (6) “Facility” means an establishment operated on a regular or irregular basis for the pur-
35 pose of providing services in one or more fields of practice.

36 [(8)] (7) “Field of practice” means the following [cosmetology] disciplines:

37 (a) Barbering.

38 (b) Esthetics.

39 (c) Hair design.

40 (d) Nail technology.

41 (e) **Cosmetology.**

42 [(9)] (8) “Freelance [authorization] license” means a written authorization that allows a practi-
43 tioner to practice outside or away from a licensed facility.

44 [(10)] (9) “Hair design” means any of the following practices, when done upon the human body
45 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental

1 ailments:

2 (a) Shaving, trimming or cutting of the beard or mustache.

3 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
4 ditioning, applying hair products or similar work upon the hair of an individual.

5 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
6 (a) or (b) of this subsection.

7 [(11)] (10) "Independent contractor" means a practitioner who qualifies as an independent con-
8 tractor under ORS 670.600 and who is not under the control and direction of a facility license
9 holder.

10 [(12)] (11) "License" means a written authorization issued under ORS 690.055 to a person to
11 operate a facility **or freelance business** for providing services related to one or more fields of
12 practice to the public.

13 [(13)] (12) "Nail technology" means any of the following manicuring or pedicuring practices
14 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
15 or mental ailments:

16 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
17 hands or feet.

18 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
19 below the knee.

20 (c) Applying, sculpturing or removing artificial nails of the hands or feet.

21 [(14)] (13) "Practitioner" means a person certified to perform services included within a field of
22 practice.

23 [(15)] (14) "Registration" means a written authorization issued to an independent contractor to
24 hold forth to the public as a business entity providing services in a field of practice.

25 [(16)] (15) "School" means an educational establishment that has a license issued by the De-
26 partment of Education and is operated for the purpose of teaching one or more fields of practice.

27 [(17)] (16) "Temporary facility permit" means a written authorization issued under ORS 690.055
28 to provide services on a temporary basis in one or more fields of practice.

29 **SECTION 28.** ORS 690.015 is amended to read:

30 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
31 ing, esthetics, *and* nail technology **and cosmetology**. The prohibitions under this section are sub-
32 ject to the exemptions under ORS 690.025. A person who commits an act prohibited under this
33 section is subject to the penalties under ORS 690.992 in addition to any administrative action taken
34 by or any civil penalty imposed by the Oregon Health Licensing Agency under ORS 676.612.

35 (2) A person may not:

36 (a) Perform or attempt to perform services in a field of practice without *[a]* **an active** certificate,
37 demonstration permit, registration or freelance *[authorization]* **license**.

38 (b) Operate a facility without a license or temporary facility permit.

39 (c) Perform or attempt to perform services in a field of practice *[in a facility that does not have*
40 *a license or temporary facility permit]* **outside a licensed facility or temporary facility without a**
41 **freelance license issued under ORS 690.123.**

42 (d) Practice hair design, barbering, esthetics, *[or]* nail technology **or cosmetology** as an inde-
43 pendent contractor without a registration.

44 (e) Display a sign or in any way advertise or purport to offer services in a field of practice
45 without first obtaining a permit, certificate, independent contractor registration or facility license.

1 (f) Knowingly make a false statement on an application to obtain or renew a certificate, regis-
 2 tration, license or permit or to obtain a freelance [*authorization*] **license**.

3 (g) Allow an individual in the employ or under the supervision or control of the person to per-
 4 form in a field of practice without a certificate or permit.

5 (h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, li-
 6 cense, permit or freelance [*authorization*] **license**.

7 (i) Purchase or procure by barter a document evidencing a certificate with intent to use it as
 8 evidence of the person's qualification as a practitioner.

9 (j) Materially alter with fraudulent intent a document evidencing a certificate, registration, li-
 10 cense, permit or freelance [*authorization*] **license**.

11 (k) Use or attempt to use as valid a fraudulently obtained, counterfeited or materially altered
 12 document evidencing a certificate, registration, license, permit or freelance [*authorization*] **license**.

13 **SECTION 29.** ORS 690.046 is amended to read:

14 690.046. To qualify for certification as a practitioner of hair design, barbering, esthetics, [*or*] nail
 15 technology **or cosmetology**, an applicant [*shall*] **must**:

16 (1) Successfully complete all courses required by rule of the State Board of Education for grad-
 17 uation from a school teaching one or more fields of practice.

18 (2) Successfully pass the certification examination approved, administered or recognized by the
 19 Board of Cosmetology for the field of practice in which certification is sought.

20 (3) Pay all appropriate fees.

21 (4) Meet any additional requirements the Board of Cosmetology may impose by rule for certif-
 22 ication in a particular field of practice.

23 **SECTION 30.** ORS 690.047 is amended to read:

24 690.047. (1) The Board of Cosmetology may [*choose to*] waive all or part of the educational re-
 25 quirement for an applicant in a field of practice and allow the applicant to take the certification
 26 examination, provided that:

27 (a) The applicant's education or training is determined by the [*board*] **Oregon Health Licensing**
 28 **Agency** to be substantially equivalent to Oregon certification requirements; **or**

29 [*(b) The applicant is otherwise qualified to take the examination; and*]

30 [*(c) The applicant's certification in another state is in good standing.*]

31 **(b) The applicant holds an active or inactive certification in another state or country and**
 32 **has not been subject to disciplinary action, as determined by the agency by rule.**

33 (2) The [*Oregon Health Licensing*] agency may issue a specialty certificate in a field of practice
 34 to a practitioner who has:

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

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

38 (c) Paid the required fees; and

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

40 **SECTION 31.** ORS 690.123 is amended to read:

41 690.123. (1) The Oregon Health Licensing Agency may issue a practitioner a freelance [*authori-*
 42 *zation*] **license** to practice outside of or away from a licensed facility.

43 (2) The Board of Cosmetology shall determine requirements and the agency shall establish fees
 44 for issuance of a freelance [*authorization*] **license**.

45 (3) Practitioners performing services outside of a licensed facility under the provisions of a

1 freelance [*authorization*] **license** shall comply with the safety and infection control requirements
 2 under ORS 690.165 and 690.205 and rules adopted by the agency under those statutes.

3 **SECTION 32.** ORS 690.155 is amended to read:

4 690.155. (1) There is established within the Oregon Health Licensing Agency the Board of
 5 Cosmetology consisting of seven members appointed by the Governor. [*At all times the membership*
 6 *of the board shall be so constituted that*] **Of the members of the board:**

7 (a) Six members [*of the board shall*] **must** be practitioners with [*valid*] **active** certificates.

8 (b) One member [*shall*] **must** be a public member who is not a practitioner.

9 (2) The term of office of each member of the board is four years, but a member serves at the
 10 pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unex-
 11 pired term. A member shall hold the member's office until the appointment and qualification of a
 12 successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a
 13 period of at least four years must elapse before the person is again eligible for appointment to serve
 14 on the board.

15 (3) The Director of the Oregon Health Licensing Agency, or a designated representative, shall
 16 serve as an ex officio member of the board but without the right to vote.

17 **SECTION 33.** ORS 690.165 is amended to read:

18 690.165. In addition to the powers otherwise granted by ORS [*345.430 and*] 690.005 to 690.235,
 19 the Board of Cosmetology shall have the power to:

20 (1) Determine whether applicants are qualified to take certification examinations.

21 (2) Administer, approve or recognize certification examinations and designate the time, place
 22 and administrators of certification examinations.

23 (3) Contract for the administration of examinations as part of regional or national examinations
 24 and contract with independent testing services for examination administration.

25 (4) Pursuant to ORS 676.607, direct the Oregon Health Licensing Agency to issue certificates,
 26 registrations, licenses, permits and freelance [*authorizations*] **licenses** to individuals determined by
 27 the board to be qualified.

28 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
 29 tablishing and enforcing standards for safety, infection control, professional conduct and any other
 30 matters relating to fields of practice, facilities or locations used by persons providing services reg-
 31 ulated by ORS 690.005 to 690.235.

32 (6) Pursuant to ORS 676.612 and 690.167, direct the agency to suspend, revoke, limit or refuse
 33 to issue or renew certificates, registrations, licenses or permits or impose a period of probationary
 34 activity on the holder thereof.

35 (7) Do any act necessary or proper to effect and carry out the duties required of the board by
 36 ORS 690.005 to 690.235.

37 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
 38 barbering, esthetics, [*or*] nail technology **or cosmetology**.

39 (9) Consult with the agency about the issuance and renewal of a single facility license under
 40 ORS 676.617 authorizing a facility to provide barbering, esthetics, hair design, [*or*] nail technology
 41 services **or cosmetology**.

42 **SECTION 34.** ORS 690.167 is amended to read:

43 690.167. In the manner prescribed in ORS chapter 183 for contested cases and at the direction
 44 of the Board of Cosmetology, the Oregon Health Licensing Agency may impose a form of discipline
 45 listed in ORS 676.612 against any person practicing barbering, hair design, esthetics [*or*], nail tech-

nology **or cosmetology** for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted thereunder.

SECTION 35. ORS 345.010 is amended to read:

345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

(1) “Agent” means a person employed by or for a career school for the purpose of procuring students, enrollees or subscribers by solicitation in any form, made at a place or places other than the school office or place of business of such school.

(2) “Barbering” has the meaning given that term in ORS 690.005.

[(3) “Board” means the State Board of Education.]

[(4)] (3) “Career school” or “school” means any private proprietary professional, technical, home study, correspondence, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession.

(4) “Cosmetology” has the meaning given that term in ORS 690.005.

(5) “Esthetics” has the meaning given that term in ORS 690.005.

(6) “Hair design” has the meaning given that term in ORS 690.005.

(7) “License” means the authority the career school has been granted to operate under ORS 345.010 to 345.450.

(8) “Nail technology” has the meaning given that term in ORS 690.005.

(9) “Registration” means the approval by the Superintendent of Public Instruction of a teacher or agent to instruct in or to represent the school.

[(10) “Superintendent” means Superintendent of Public Instruction.]

SECTION 36. ORS 345.400 is amended to read:

345.400. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by the State Board of Education to regulate schools teaching hair design, barbering, esthetics, [or] nail technology **or cosmetology**:

(1) May include rules the board considers necessary to protect the economic or physical health and safety of the public and of the students attending the school including compliance with ORS 345.110.

(2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair design, barbering, esthetics, [or] nail technology **or cosmetology** pursuant to ORS 345.010 to 345.450.

(3) Shall require the schools to teach, and require for graduation from the school, courses that meet the following minimum standards:

(a)(A) A minimum hourly training requirement for:

(i) Hair design, 1,450 hours;

(ii) Barbering, 1,100 hours;

(iii) Esthetics, 250 hours; and

(iv) Nail technology, 350 hours; and

(B) In addition to the programs listed in this subsection, a student is also required to successfully complete the following requirements once:

(i) Safety and sanitation, 150 hours; and

(ii) Career development, 100 hours.

(b) A student competency-based training requirement for hair design, barbering, esthetics, [or] nail technology **or cosmetology**, if the school has developed written requirements for graduation

1 that are approved by the Superintendent of Public Instruction.

2 **SECTION 37.** ORS 345.440 is amended to read:

3 345.440. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to
 4 345.450 to teach hair design, barbering, esthetics, [or] nail technology **or cosmetology** shall be
 5 conducted by the Oregon Health Licensing Agency.

6 **SECTION 38.** ORS 345.450 is amended to read:

7 345.450. (1) In addition to the fees required by ORS 345.080, before issuing any license under
 8 ORS 345.010 to 345.450 to a school teaching hair design, barbering, esthetics, [or] nail technology
 9 **or cosmetology**, and annually thereafter, the Department of Education shall collect a nonrefundable
 10 annual inspection fee of \$100.

11 (2) The inspection fee collected under subsection (1) of this section shall be transferred to the
 12 Oregon Health Licensing Agency for inspections performed under ORS 345.440.

13 **SECTION 39.** ORS 348.290 is amended to read:

14 348.290. The Oregon Student Assistance Commission shall apply the interest on the amount
 15 transferred to the Oregon Student Assistance Fund under section 4, chapter 377, Oregon Laws 1985,
 16 to provide financial aid, as defined in ORS 348.505, to students to study **hair design**, barbering,
 17 [hairdressing, manicure and] esthetics, **nail technology or cosmetology** at eligible post-secondary
 18 schools.

19
 20 **BODY PIERCING TECHNICIANS**

21
 22 **SECTION 40.** ORS 690.507 is amended to read:

23 690.507. (1) A person may not:

24 (a) Provide body piercing services, **display a sign or in any other way advertise or purport**
 25 **to be a body piercing technician** without a body piercing technician registration issued by the
 26 Oregon Health Licensing Agency.

27 (b) Operate a body piercing facility without a body piercing facility license issued by the agency.

28 (2) This section does not prevent or affect the use of body piercing by:

29 (a) A physician or a person under the control and supervision of a physician;

30 (b) Any other person specifically permitted by law to engage in body piercing; or

31 (c) Self-administration.

32 **SECTION 41.** ORS 690.510 is amended to read:

33 690.510. (1) There is established within the Oregon Health Licensing Agency a registration
 34 program to provide for the registering of body piercing technicians.

35 (2) Subject to the provisions of ORS 676.612, the agency shall issue a body piercing technician
 36 registration to any person who:

37 (a) Files an application in the form and manner prescribed by the agency;

38 (b) Pays the application and registration fees prescribed by the agency;

39 (c) Affirms by written signature on a form prescribed by the agency receipt of:

40 (A) An information packet regarding safety, infection control and sterilization requirements
 41 adopted by the agency by rule;

42 (B) A copy of the written notification for clients advising of the risks and possible consequences
 43 of body piercing services; and

44 (C) A disclosure statement to be posted in public view within the licensed body piercing facility;
 45 and

1 (d) Complies with all other requirements established by the agency.

2 [(3) *The body piercing technician registration must be posted in a conspicuous place on the prem-*
3 *ises of a licensed body piercing facility.*]

4 [(4) *Except as provided in subsection (7) of this section, a registration issued under this section*
5 *expires on the last day of the month, one year from the date of issuance, and may be renewed upon*
6 *application to the agency, payment of the renewal fee established pursuant to ORS 690.550 and com-*
7 *pliance with ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to*
8 *690.550. The agency shall establish a procedure for the renewal of registrations.*]

9 [(5) *The agency shall adopt by rule requirements for late renewal of a registration, reactivation of*
10 *an expired registration or reinstatement of a registration that has been expired for more than three*
11 *consecutive years.*]

12 [(6)] (3) Notwithstanding ORS 690.507 and [subsections] **subsection** (2) [and (4)] of this section,
13 the agency may issue demonstration and temporary permits to perform body piercing services as
14 prescribed by agency rule.

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

17 **SECTION 42.** ORS 690.520 is amended to read:

18 690.520. (1) There is established within the Oregon Health Licensing Agency a licensing program
19 to provide for the licensing of body piercing facilities.

20 (2) Pursuant to ORS 676.618, the agency shall conduct periodic inspections of body piercing fa-
21 cilities to determine compliance with safety, infection control and sterilization requirements.

22 (3) Subject to the provisions of ORS 676.612, the agency shall issue a body piercing facility li-
23 cense to any person who:

24 (a) Files an application in the form and manner prescribed by the agency;

25 (b) Pays the application and license fees prescribed by the agency;

26 (c) Demonstrates compliance with all safety, infection control and sterilization requirements
27 adopted by the agency by rule; and

28 (d) Complies with all other requirements established by the agency.

29 [(4) *Except as provided in subsection (9) of this section, a license issued under this section expires*
30 *on the last day of the month, one year from the date of issuance, and may be renewed upon application*
31 *to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance with*
32 *ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550. The*
33 *agency shall establish a procedure for the renewal of licenses.*]

34 [(5) *The agency shall adopt by rule requirements for late renewal of a license and reactivation of*
35 *an expired license.*]

36 [(6) *The body piercing facility license must be posted in a conspicuous place on the premises of the*
37 *facility.*]

38 [(7) *The agency may issue a single facility license to an applicant pursuant to ORS 676.617.*]

39 [(8)] (4) Notwithstanding ORS 690.507 and [subsections] **subsection** (3) [and (4)] of this section,
40 the agency may issue a temporary permit to operate a body piercing facility as prescribed by rules
41 adopted by the agency.

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

44
45 **ELECTROLOGISTS AND PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS**

1 **SECTION 43.** ORS 690.355 is amended to read:

2 690.355. (1) [No] A person, including an electrologist or a permanent color technician and tattoo
 3 artist, *[shall]* **may not** perform electrolysis or tattooing, display a sign or in any other way advertise
 4 or purport to *[be an electrologist or permanent color technician and tattoo artist]* **perform**
 5 **electrolysis, permanent color or tattooing** unless *[that]* **the** person holds *[a valid]* **an active** li-
 6 cense issued by the Oregon Health Licensing Agency. *[However,]*

7 **(2) Notwithstanding subsection (1) of this section,** ORS 690.350 to 690.430 do not prevent or
 8 affect the use of electrolysis or tattooing by:

9 **(a)** A physician[,] **or** a person under the control and supervision of a physician; or

10 **(b)** Any other person specifically permitted to use electrolysis or tattooing by law.

11 **SECTION 44.** ORS 690.360 is amended to read:

12 690.360. [No] A person *[shall]* **may not**:

13 (1) Sell, barter or offer to sell or barter a license;

14 (2) Purchase or procure by barter a license with intent to use it as evidence of the person's
 15 qualification to practice electrolysis or tattooing;

16 (3) Alter materially a license with fraudulent intent;

17 (4) Use or attempt to use as a valid license a license which has been purchased, fraudulently
 18 obtained, counterfeited or materially altered;

19 (5) Willfully make a false, material statement in an application for licensure or for renewal of
 20 a license; *[or]*

21 (6) Operate an electrology facility or tattoo facility without obtaining an electrology facility li-
 22 cense or tattoo facility license[.]; **or**

23 **(7) Allow an employee or individual supervised by the person to perform electrolysis or**
 24 **tattooing without a license or permit.**

25 **SECTION 45.** ORS 690.365 is amended to read:

26 690.365. (1) An applicant for licensure shall pay a fee established by the Oregon Health Licens-
 27 ing Agency under ORS 690.350 to 690.430 and shall show to the satisfaction of the agency that the
 28 applicant:

29 (a) Has complied with the provisions of ORS 690.350 to 690.430 and the applicable rules of the
 30 agency;

31 (b) Is not less than 18 years of age;

32 (c) Has a high school diploma or equivalent education;

33 (d) Has submitted evidence of completion of education and training prescribed and approved by
 34 the agency under ORS 690.410; and

35 (e) Has passed an examination approved, administered or recognized by the agency.

36 (2) Subject to the provisions of ORS 676.612, the agency shall issue a license to each applicant
 37 who provides evidence satisfactory to the agency of completion of all requirements for licensure.
 38 *[An initial license shall be issued for one year unless otherwise specified by rule, and expires unless*
 39 *renewed on or before the expiration date by payment of required fees and demonstration of completion*
 40 *of continuing education requirements specified by rule.]*

41 (3) Notwithstanding ORS 690.355 *[and subsections (1) and (2) of this section]*, the agency may is-
 42 sue demonstration and temporary permits to perform tattooing services as prescribed by agency
 43 rule.

44 **SECTION 46.** ORS 690.380 is amended to read:

45 690.380. (1) A person who holds a license under ORS 690.350 to 690.430 shall notify the Oregon

1 Health Licensing Agency in writing of the regular address of the place or places where the person
2 performs or intends to perform electrolysis or tattooing [*and shall keep the license conspicuously*
3 *posted in the place of business at all times*].

4 (2) The agency shall keep a record of the place or places of business of each person who holds
5 a license.

6 (3) Any notice required to be given by the agency to a person who holds a license may be given
7 by mailing the notice to the address of the last place of business of which the person has notified
8 the agency.

9 (4) The agency shall issue to each qualified applicant a license to operate an electrology facility
10 and to advertise electrolysis services for which the facility is licensed.

11 (5) The agency shall issue to each qualified applicant a license to operate a tattoo facility and
12 to advertise permanent coloring or tattooing services for which the facility is licensed.

13 (6) The agency may issue a single facility license to an applicant pursuant to ORS 676.617.

14
15 **HEARING AID SPECIALISTS**

16
17 **SECTION 47.** ORS 694.025 is amended to read:

18 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way ad-
19 vertise or represent that the person deals in hearing aids unless the person holds [*a valid*] **an active**
20 license issued by the Oregon Health Licensing Agency as provided in ORS 694.015 to 694.185.

21 (2) Notwithstanding subsection (1) of this section, ORS 694.015 to 694.185 do not apply to:

22 (a) An audiologist licensed under ORS chapter 681.

23 (b) A physician licensed under ORS chapter 677.

24 **SECTION 48.** ORS 694.055 is amended to read:

25 694.055. An applicant for licensure under this chapter shall pay a fee established by the Oregon
26 Health Licensing Agency under [*ORS 694.185*] **section 4 of this 2011 Act** and shall show to the
27 satisfaction of the agency that the applicant:

28 (1) Is a person 18 years of age or older.

29 (2) Has graduated from high school or has been awarded a General Educational Development
30 (GED) certificate.

31 (3) Has completed the training and has the experience required under ORS 694.065.

32 **SECTION 49.** ORS 694.155 is amended to read:

33 694.155. The powers and duties of the Oregon Health Licensing Agency with regard to dealing
34 in hearing aids are as follows:

35 (1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to
36 694.185.

37 (2) To determine training and experience requirements prerequisite to taking the examination
38 and to supervise and administer qualifying examinations to test the knowledge and proficiency of
39 applicants for licensure.

40 (3) To license persons who apply to the agency and who have qualified to deal in hearing aids.

41 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry
42 out the examination of applicants for licensure.

43 (5) To issue and renew licenses.

44 (6) To suspend or revoke licenses in the manner provided in ORS chapter 183.

45 (7) To appoint representatives to conduct or supervise the examination of applicants for

1 licensure.

2 (8) To designate the time and place for examining applicants for licensure.

3 (9) To adopt rules not inconsistent with the laws of this state which are necessary to carry out
4 the provisions of ORS 694.015 to 694.185.

5 (10) With the advice of the Advisory Council on Hearing Aids, to prescribe safety and sanitation
6 requirements, to require the periodic inspection of the audiometric testing equipment and to carry
7 out the periodic inspection of facilities of persons who deal in hearing aids.

8 (11) To appoint or employ subordinate employees.

9 (12) To adopt rules specifying exemptions relating to assistive listening devices.

10 (13) **To provide for waivers of examinations and temporary licenses by rule.**

11 (14) **To establish continuing education requirements for renewal of a license.**

12 **SECTION 50.** ORS 694.165 is amended to read:

13 694.165. (1) There is established within the Oregon Health Licensing Agency the Advisory
14 Council on Hearing Aids[. *The council shall consist*], **consisting** of seven members to be appointed
15 by the Governor.

16 (2) Members of the council must be residents of this state. A member of the council may not be
17 a member or employee of the agency.

18 (3) Membership on the council shall consist of:

19 (a) One member who is licensed to practice medicine in this state [*and holds a certificate of*
20 *qualification from the American Board of Otolaryngology*];

21 (b) One member who **is an audiologist licensed under ORS chapter 681** [*holds a clinical cer-*
22 *tification in audiology with the American Speech-Language-Hearing Association and is a member in*
23 *good standing with that association*];

24 (c) Four members who are experienced in the fitting of hearing aids and possess the qualifica-
25 tions provided in ORS 694.055; and

26 (d) One member who is a consumer of hearing aids and does not possess the professional quali-
27 fications of the other members.

28 (4) The term of office of each member of the council is four years, but a member serves at the
29 pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unex-
30 pired term. A member shall hold the member's office until the appointment and qualification of a
31 successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a
32 period of at least four years must elapse before the person is again eligible for appointment to serve
33 on the council.

34 (5) Members of the council are entitled to compensation and expenses as provided in ORS
35 292.495.

36
37 **SEX OFFENDER THERAPISTS**

38
39 **SECTION 51.** ORS 675.370 (3), (4) and (5) are added to and made a part of ORS 675.360 to
40 **675.380.**

41 **SECTION 52.** ORS 675.370 is amended to read:

42 675.370. (1)(a) **A person who is a certified clinical sex offender therapist under ORS 675.360**
43 **to 675.410 may use the title Certified Clinical Sex Offender Therapist and the abbreviation**
44 **“CCSOT.”**

45 (b) **A person who is a certified associate sex offender therapist under ORS 675.360 to**

1 **675.410 may use the title Certified Associate Sex Offender Therapist and the abbreviation**
 2 **“CASOT.”**

3 [(1)] (2) Unless a person has applied for and received certification under ORS 675.375 or 675.380,
 4 a person may not claim certification as or represent that person to be a:

- 5 (a) Certified clinical sex offender therapist; or
- 6 (b) Certified associate sex offender therapist.

7 [(2)] (3) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex
 8 offenders.

9 [(3)] (4) A person may not:

10 (a) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380 by
 11 bribery or fraudulent representation; or

12 (b) Purport to the public to be engaged in the practice of sex offender treatment under the title
 13 “clinical sex offender therapist” or “associate sex offender therapist” **or the abbreviation**
 14 **“CCSOT” or “CASOT”** unless the person possesses a valid certification under ORS 675.360 to
 15 675.380.

16 [(4)] (5) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the practice of an
 17 individual’s profession or to restrict a person from providing counseling or therapy if the person or
 18 individual does not represent to the public by title that the person or individual is a certified sex
 19 offender therapist.

20 [(5)] (6) Each violation of [subsections (3) to (5)] **subsection (4)** of this section is a separate vi-
 21 olation.

22 **SECTION 53.** ORS 675.375 is amended to read:

23 675.375. (1) To obtain certification as a clinical sex offender therapist or associate sex offender
 24 therapist, an applicant must complete an application developed and prescribed by the Sex Offender
 25 Treatment Board and file a professional disclosure statement with the Oregon Health Licensing
 26 Agency. The documents must be accompanied by a fee established by the agency.

27 (2) Subject to the provisions of ORS 676.612, the agency may issue two types of certification to
 28 qualified applicants under this section:

- 29 (a) Clinical sex offender therapist; and
- 30 (b) Associate sex offender therapist.

31 (3) To qualify as a certified clinical sex offender therapist, the applicant must:

- 32 (a) Be in compliance with applicable provisions and rules adopted by the agency;
- 33 (b) Have at least a master’s degree in the behavioral sciences;
- 34 (c) Have an active Oregon mental health professional license or equivalent license as determined
 35 by the agency;

36 (d) Within not less than three years nor more than six years prior to application, have had a
 37 minimum of 2,000 hours of direct clinical contact with sex offenders, including:

- 38 (A) 1,000 hours of direct treatment services; and
- 39 (B) 500 hours of evaluations; and

40 (e) Have a minimum of 60 hours of formal training applicable to sex offender treatment and
 41 evaluation, achieved within the three years prior to application.

42 (4) To qualify as a certified associate sex offender therapist, the applicant must:

- 43 (a) Be in compliance with applicable provisions and rules adopted by the agency;
- 44 (b) Have at least a bachelor’s degree in the behavioral sciences;
- 45 (c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

1 (d) Have a minimum of 30 hours of formal training applicable to sex offender treatment and
2 evaluation, achieved within the three years prior to application; and

3 (e) Be under the direct supervision of a certified clinical sex offender therapist.

4 [(5) Upon receipt of an application for renewal submitted by the applicant, the agency may renew
5 the certification of a clinical sex offender therapist or an associate sex offender therapist annually or
6 as otherwise specified by agency rule. The application for renewal shall be considered by the agency
7 to be an application to continue as a certified clinical sex offender therapist or a certified associate sex
8 offender therapist. To renew a certification, the applicant must:]

9 [(a) Be in compliance with the provisions of ORS 675.360 to 675.410 and rules adopted by the
10 agency;]

11 [(b) Have a minimum of 100 hours of clinical experience during the preceding year, 50 of which
12 shall be direct clinical contact with sex offenders;]

13 [(c) Have completed a minimum of 15 hours continuing education in the field of sex offender
14 treatment during the preceding year; and]

15 [(d) Satisfy any additional requirements adopted by the board.]

16 [(6) The agency shall adopt by rule requirements for late renewal of a certification, reactivation of
17 an expired certification or reinstatement of a certification that has been expired for more than three
18 consecutive years.]

19 **SECTION 54.** ORS 675.380 is amended to read:

20 675.380. Upon receipt of an application and the appropriate fees under [ORS 675.375] **section 4**
21 **of this 2011 Act**, the Oregon Health Licensing Agency shall certify a clinical sex offender therapist
22 or associate sex offender therapist if the applicant provides evidence to the satisfaction of the
23 agency that the applicant is recognized as a clinical sex offender therapist or associate sex offender
24 therapist in another state in which the requirements for such recognition are, in the judgment of the
25 agency, in consultation with the Sex Offender Treatment Board, at least equivalent to the require-
26 ments of ORS 675.360 to 675.410 and rules of the agency.

27 **SECTION 55.** ORS 675.385 is amended to read:

28 675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direc-
29 tion of the Sex Offender Treatment Board, the Oregon Health Licensing Agency may impose a form
30 of discipline listed in ORS 676.612 against any certified sex offender therapist for any of the grounds
31 listed in ORS 676.612 and for any violation of the provisions of ORS 675.360 to 675.410, or the rules
32 adopted thereunder.

33 (2) The agency may impose disciplinary sanctions against a certified sex offender therapist for
34 any of the following reasons:

35 (a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that
36 brings into question the person’s competence or integrity as a certified sex offender therapist.

37 (b) The person’s mental health professional license, or equivalent license, has been revoked,
38 suspended or restricted by the issuing authority.

39 (c) The person has violated ORS 675.370 [(3) to (5)] (4), or any rules adopted by the agency
40 pertaining to certification.

41 (d) The person has failed to file or has filed a false, misleading or incomplete professional dis-
42 closure statement with the agency.

43 (e) The person has practiced beyond the scope of the person’s agency-issued certification.

44
45

ENVIRONMENTAL HEALTH SPECIALISTS

