

House Bill 2381

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that State Personnel Relations Law and provisions relating to state financial administration, salaries and expenses of public employees and administration of public funds apply to Oregon Board of Optometry, State Board of Massage Therapists and Physical Therapist Licensing Board.

Establishes funds for boards in State Treasury and continuously appropriates moneys in funds to boards.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health professional regulatory boards that are semi-independent state agencies; creating
3 new provisions; amending ORS 182.460, 182.462, 182.464, 182.470, 182.472, 671.655, 683.270,
4 683.290, 687.071, 687.115, 687.250, 688.160 and 688.201; appropriating money; and declaring an
5 emergency.

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

7 **SECTION 1.** ORS 182.460 is amended to read:

8 182.460. (1) Except as **provided in subsections (2) and (3) of this section and as** otherwise
9 provided by law, the provisions of ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and
10 293 do not apply to a board. A board is subject to all other statutes governing a state agency that
11 do not conflict with ORS 182.456 to 182.472, including the tort liability provisions of ORS 30.260 to
12 30.300 and the provisions of ORS chapter 183, and a board's employees are included within the
13 Public Employees Retirement System.

14 (2) Notwithstanding subsection (1) of this section, the following provisions [*shall*] apply to a
15 board:

16 (a) ORS 240.309 (1) to (6) and 240.321;

17 (b) ORS 279A.250 to 279A.290;

18 (c) ORS 282.210 to 282.230; and

19 (d) ORS 293.240.

20 (3) **Notwithstanding subsection (1) of this section, ORS chapters 240, 291, 292 and 293**
21 **apply to the Oregon Board of Optometry, the State Board of Massage Therapists and the**
22 **Physical Therapist Licensing Board.**

23 [(3)] (4) In carrying out the duties, functions and powers of a board, the board may contract with
24 any state agency for the performance of duties, functions and powers as the board considers appro-
25 priate. A state agency may not charge a board an amount that exceeds the actual cost of those
26 services. ORS 182.456 to 182.472 do not require an agency to provide services to a board other than
27 pursuant to a voluntary interagency agreement or contract.

28 [(4)] (5) A board shall adopt personnel policies and contracting and purchasing procedures. The

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 Oregon Department of Administrative Services shall review those policies and procedures for com-
 2 pliance with applicable state and federal laws and collective bargaining contracts.

3 [(5)] (6) Except as otherwise provided by law, directors and employees of a board are eligible
 4 to receive the same benefits as state employees and are entitled to retain their State of Oregon hire
 5 dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer
 6 of all accumulated state agency leaves.

7 **SECTION 2.** ORS 182.462 is amended to read:

8 182.462. (1)(a) A board shall adopt budgets on a biennial basis using classifications of expen-
 9 ditures and revenues required by ORS 291.206 (1), but the budget [*shall not be*] **is not** subject to
 10 review and approval by the Legislative Assembly or to future modification by the Emergency Board
 11 or the Legislative Assembly.

12 [(2)] (b) The budget referred to in [*subsection (1) of this section*] **paragraph (a) of this sub-**
 13 **section** shall be adopted in accordance with applicable provisions of ORS chapter 183. Except as
 14 provided in this [*subsection*] **paragraph**, a board shall adopt or modify a budget only after a public
 15 hearing thereon. A board must give notice of the hearing to all holders of licenses issued by the
 16 board.

17 [(3)] (c) A board shall follow generally accepted accounting principles and keep financial and
 18 statistical information as necessary to completely and accurately disclose the financial condition and
 19 financial operations of the board as may be required by the Secretary of State.

20 [(4)] (d) A board shall prepare an annual financial statement of board revenues and expenses
 21 and shall make the statement available for public review. The board shall provide a copy of the
 22 statement to the Oregon Department of Administrative Services not later than the 90th day after
 23 the end of the state fiscal year.

24 [(5)] (e) A board may, by rule, elect to donate all or part of the revenue derived by the board
 25 from civil penalties to the General Fund of the State Treasury.

26 **(2) This section does not apply to the Oregon Board of Optometry, the State Board of**
 27 **Massage Therapists or the Physical Therapist Licensing Board.**

28 **SECTION 3.** ORS 182.464 is amended to read:

29 182.464. (1) The Secretary of State shall enter into agreements with each of the boards to set
 30 appropriate financial review schedules for those boards. The financial review schedules shall be set
 31 to allow board compliance with ORS 182.472. In lieu of conducting a financial review, the Secretary
 32 of State may elect to contract for the financial review with, or accept a financial review conducted
 33 by, an independent certified public accountant.

34 **(2) This section does not apply to the Oregon Board of Optometry, the State Board of**
 35 **Massage Therapists or the Physical Therapist Licensing Board.**

36 **SECTION 4.** ORS 182.470 is amended to read:

37 182.470. (1)(a) **As used in this subsection, “depository” has the meaning given that term**
 38 **in ORS 295.001.**

39 [(1)] (b) Notwithstanding ORS 670.335, except where otherwise specifically provided by statute
 40 pursuant to ORS 182.462 [(5)] (1)(e), all moneys collected or received by a board, placed to the credit
 41 of that board and remaining unexpended and unobligated on the date that the board is established
 42 as a semi-independent state agency, and all moneys collected or received by a board after the date
 43 that the board is established as a semi-independent state agency, must be deposited into an account
 44 established by that board in a depository insured by the Federal Deposit Insurance Corporation or
 45 the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of

1 ORS 295.001 to 295.108, the chairperson, president or administrator of a board shall ensure that
 2 sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage
 3 of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.
 4 All moneys in the account are continuously appropriated to the board making the deposit for the
 5 purpose of carrying out the functions of the board.

6 [(2)] (c) Subject to the approval of the chairperson, president or administrator, a board may in-
 7 vest moneys collected or received by the board. Investments made by a board are:

8 [(a)] (A) Limited to investments described in ORS 294.035;

9 [(b)] (B) Subject to the investment maturity date limitations described in ORS 294.135; and

10 [(c)] (C) Subject to the conduct prohibitions listed in ORS 294.145.

11 [(3)] (d) Interest earned from any accounts invested under [subsection (2) of this section] **para-**
 12 **graph (c) of this subsection** shall be made available to a board in a manner consistent with the
 13 board's annual budget.

14 [(4)] (e) Subject to the approval of the chairperson, president or administrator, all necessary
 15 board expenses shall be paid from the moneys collected or earned by a board.

16 [(5) As used in this section, "depository" has the meaning given that term in ORS 295.001.]

17 **(2) This section does not apply to the Oregon Board of Optometry, the State Board of**
 18 **Massage Therapists or the Physical Therapist Licensing Board.**

19 **SECTION 5.** ORS 182.472, as amended by section 2, chapter 107, Oregon Laws 2010, is amended
 20 to read:

21 182.472. (1) Not later than April 1 of each even-numbered year, each board subject to ORS
 22 182.456 to 182.472 shall submit a report to the Governor, the President of the Senate, the Speaker
 23 of the House of Representatives and the Legislative Fiscal Officer. The Legislative Fiscal Officer
 24 shall review the reports and shall prepare and submit a statement of findings and conclusions to the
 25 Joint Legislative Audit Committee and the Joint Committee on Ways and Means. The report must
 26 include the following:

27 [(1)] (a) A copy of the most recent audit or financial review of the board.

28 [(2)] (b) A copy of the actual budget for the prior biennium and a copy of the board's adopted
 29 budget for the biennium in which the report is made. The budget documents must show:

30 [(a)] (A) The beginning balance and ending balance for each of the two biennia;

31 [(b)] (B) A description of material changes between the two biennia;

32 [(c)] (C) A description of the public hearing process used to establish the budget adopted for the
 33 current biennium; and

34 [(d)] (D) A description of current fees and proposed changes to fees, along with information
 35 supporting the amounts of the current fees and any proposed changes to the fees.

36 [(3)] (c) A description of all temporary and permanent rules adopted by the board during the
 37 prior biennium.

38 [(4)] (d) A description of board actions promoting consumer protection that were taken during
 39 the prior biennium.

40 [(5)] (e) If the board issues licenses, a description of the board's licensing activities performed
 41 during the prior biennium that is adequate to allow evaluation of the board's performance of its li-
 42 censing responsibilities, including:

43 [(a)] (A) The number of license applications;

44 [(b)] (B) The number of licenses issued;

45 [(c)] (C) The number of examinations conducted;

- 1 [(d)] (D) The average time between application for and issuance of licenses;
- 2 [(e)] (E) The number and types of complaints received about persons holding licenses;
- 3 [(f)] (F) The number and types of investigations conducted;
- 4 [(g)] (G) The number and types of resolutions of complaints;
- 5 [(h)] (H) The number and type of sanctions imposed; and
- 6 [(i)] (I) The number of days between beginning an investigation and reaching a resolution.

7 [(6)] (f) A description of all other actions taken during the prior biennium in the performance
 8 of the board's statutory responsibilities that is adequate to allow evaluation of the board's per-
 9 formance.

10 **(2) This section does not apply to the Oregon Board of Optometry, the State Board of**
 11 **Massage Therapists or the Physical Therapist Licensing Board.**

12 **SECTION 6.** ORS 683.270 is amended to read:

13 683.270. The powers and duties of the Oregon Board of Optometry are as follows:

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

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

17 (3) To employ agents and inspectors to secure evidence of and report on all violations of this
 18 chapter and to employ other necessary assistance in the carrying out of the provisions of this
 19 chapter, and to pay the same from the funds provided in ORS 683.010 to 683.340.

20 (4) To hold regular meetings at least once a year at which an examination of applicants for li-
 21 censes shall be held at such places as the board shall from time to time designate, and special
 22 meetings upon request of a majority of the members of the board or upon the call of the president.

23 (5) To keep an accurate record of all proceedings of the board and of all of its meetings, of all
 24 prosecutions for violations of ORS 683.010 to 683.340, and of all examinations held for applicants for
 25 licenses, with the names and addresses of all persons taking examinations and their success or
 26 failure to pass such examinations. All the records of the board shall be public and shall be kept in
 27 the office of the board.

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

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

34 (8) To grant or refuse to grant licenses as provided in ORS 683.010 to 683.340 and to impose any
 35 of the sanctions for any of the causes specified in ORS 683.140.

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

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

41 (11) To adopt rules not inconsistent with the laws of this state as are necessary or proper to
 42 carry out the lawful powers and duties of the board, as may be necessary or proper to establish li-
 43 cense fees and license terms or duration, to determine the qualifications of applicants for a license
 44 and of licensees to practice optometry in this state, and to establish educational and professional
 45 standards for such applicants, subject to the laws of this state. If an applicant fails to pass a second

1 examination the board may adopt rules which may provide the required courses of study before
 2 further examination.

3 **(12) Subject to the State Personnel Relations Law, to appoint, prescribe the duties of and**
 4 **fix the compensation of an administrator and other employees of the board necessary to**
 5 **carry out the duties of the board.**

6 **SECTION 7.** ORS 683.290 is amended to read:

7 683.290. [(1) All moneys received by the Oregon Board of Optometry under ORS 683.010 to 683.340
 8 shall be deposited into an account established by the board as provided under ORS 182.470. Moneys
 9 deposited into the account hereby are appropriated continuously to the board and shall be used only
 10 for the administration and enforcement of ORS 182.456 to 182.472 and 683.010 to 683.340.]

11 [(2)] (1) [Notwithstanding subsection (1) of this section and ORS 182.470,] **The Oregon Board of**
 12 **Optometry Fund is established in the State Treasury, separate and distinct from the General**
 13 **Fund. Interest earned by the Oregon Board of Optometry Fund shall be credited to the fund.**
 14 **All moneys received by the Oregon Board of Optometry under ORS 683.010 to 683.340 shall**
 15 **be deposited into the fund and are continuously appropriated to the board for the purposes**
 16 **of carrying out the provisions of ORS 182.456 to 182.472 and 683.010 to 683.340.** All civil penal-
 17 ties collected or received for violations of or in prosecutions under ORS 683.010 to 683.340 shall be
 18 paid [to the account described under subsection (1) of this section] **into the fund.**

19 [(3)] (2) All fines collected or received for violations of or in prosecutions under ORS 683.010
 20 to 683.340 shall be paid [to] **into** the Criminal Fine and Assessment Account.

21 [(4)] (3) In addition to making expenditures for the administration and enforcement of ORS
 22 683.010 to 683.340, the [Oregon Board of Optometry] **board** may make expenditures **from the fund**
 23 for educational purposes [out of funds available].

24 **SECTION 8. The State Board of Massage Therapists Fund is established in the State**
 25 **Treasury, separate and distinct from the General Fund. Interest earned by the State Board**
 26 **of Massage Therapists Fund shall be credited to the fund. Moneys in the fund are contin-**
 27 **uously appropriated to the board for the purposes of carrying out the provisions of ORS**
 28 **687.011 to 687.250, 687.895 and 687.991.**

29 **SECTION 9.** ORS 687.071 is amended to read:

30 687.071. (1) The State Board of Massage Therapists shall impose fees for the following:

- 31 (a) Massage therapist license issuance or renewal.
- 32 (b) Examinations and reexaminations.
- 33 (c) Inactive status.
- 34 (d) Delinquency in renewal of a license.
- 35 (e) Temporary practice permit.
- 36 (f) Application for massage license examination.

37 (2) If the effective period of the initial massage therapist license is to be less than 12 months
 38 by reason of the expiration date established by rule of the board, the required license fee shall be
 39 prorated to represent one-half of the biennial rate.

40 (3) The board shall examine or reexamine any applicant for a massage therapist license who
 41 pays a fee for each examination and who meets the requirements of ORS 687.051.

42 (4) All moneys received by the board shall be paid into the [account created by the board under
 43 ORS 182.470 and are appropriated continuously to the board and shall be used only for the adminis-
 44 tration and enforcement of ORS 687.011 to 687.250, 687.895 and 687.991] **State Board of Massage**
 45 **Therapists Fund established under section 8 of this 2011 Act.**

SECTION 10. ORS 687.115 is amended to read:

687.115. (1) The State Board of Massage Therapists operates as a semi-independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 687.011 to 687.250, 687.895 and 687.991. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Four must be licensed massage therapists.

(b) Three must be members of the public, including one public member selected from a health related field. Public members may not be:

(A) Massage therapists; or

(B) A spouse, domestic partner, child, parent or sibling of a massage therapist.

(2)(a) Board members required to be licensed massage therapists may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing massage therapists.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. A member is eligible for reappointment. If there is a vacancy in the membership of the board for any reason, the Governor shall make an appointment to become immediately effective for the remainder of the unexpired term.

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

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a licensed massage therapist or a retired massage therapist who was a licensed massage therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as a massage therapist.

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

(5) The board may:

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

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

SECTION 11. ORS 687.250 is amended to read:

687.250. (1) The State Board of Massage Therapists shall report to the proper district attorney all cases that in the judgment of the board warrant criminal prosecution under ORS 687.991.

(2) The board may, in its own name, assess a civil penalty against any licensed or unlicensed person violating a provision of ORS 687.011 to 687.250, 687.895 and 687.991. The board may assess the civil penalty instead of or in addition to disciplinary action under ORS 687.081, an injunction issued under ORS 687.021 or criminal prosecution by the district attorney under this section. The amount of the civil penalty may not exceed \$1,000 for any single violation. *[Except as the board may otherwise provide under ORS 182.462 (5),]* Moneys collected through the assessment of civil penalties by the board under this subsection or ORS 687.081 shall be deposited into the *[account created by the board pursuant to ORS 182.470 and are continuously appropriated to the board for carrying out the provisions of ORS 687.011 to 687.250, 687.895 and 687.991]* **State Board of Massage Therapists Fund established under section 8 of this 2011 Act.**

SECTION 12. ORS 688.160 is amended to read:

688.160. (1) The Physical Therapist Licensing Board operates as a semi-independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 688.010 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board consists of eight members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Five must be physical therapists who are Oregon residents, possess unrestricted licenses to practice physical therapy in this state, have been practicing in this state for at least two years immediately preceding their appointments and have been practicing in the field of physical therapy for at least five years.

(b) One must be a licensed physical therapist assistant.

(c) Two must be public members who have an interest in consumer rights and who are not:

(A) Otherwise eligible for appointment to the board; or

(B) The spouse, domestic partner, child, parent or sibling of a physical therapist or physical therapist assistant.

(2)(a) Board members required to be physical therapists or physical therapist assistants may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by the Oregon Physical Therapy Association.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. A member is eligible for reappointment.

(b) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall appoint a person to fill the vacancy for the unexpired term.

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

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed physical therapist or a retired physical therapist who was a licensed physical therapist in good standing at the time of retirement, if the board member was appointed to

1 serve on the board as a physical therapist; or

2 (D) Is not a licensed physical therapist assistant or a retired physical therapist assistant who
 3 was a licensed physical therapist assistant in good standing at the time of retirement, if the board
 4 member was appointed to serve on the board as a retired physical therapist assistant.

5 (4) Each member of the board is entitled to compensation and expenses as provided in ORS
 6 292.495. The board may provide by rule for compensation to board members for the performance of
 7 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

10 (6) The board shall have power to:

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

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

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

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

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

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

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

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

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

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

26 (7) The board shall meet as determined by the board and at any other time at the call of the
 27 board chairperson, who shall be elected by the members of the board. All members have equal voting
 28 privileges.

29 (8) **Subject to the State Personnel Relations Law**, the board may appoint and fix the com-
 30 pensation of staff as necessary to carry out the operations of the board.

31 (9) The board shall:

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

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

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

41 **SECTION 13.** ORS 688.201 is amended to read:

42 688.201. *[All moneys received under ORS 688.010 to 688.201 shall be paid into the account estab-*
 43 *lished by the Physical Therapist Licensing Board under ORS 182.470. Those moneys hereby]* **The**
 44 **Physical Therapist Licensing Board Fund is established in the State Treasury, separate and**
 45 **distinct from the General Fund. Interest earned by the Physical Therapist Licensing Board**

1 **Fund shall be credited to the fund. All moneys received by the Physical Therapist Licensing**
 2 **Board under ORS 688.010 to 688.201 shall be deposited into the fund and are [appropriated]**
 3 **continuously appropriated to the board and shall be used only for the administration and enforce-**
 4 **ment of ORS 688.010 to 688.201.**

5 **SECTION 14. (1) The Oregon Board of Optometry, the State Board of Massage Therapists**
 6 **and the Physical Therapist Licensing Board shall take any action necessary to cause their**
 7 **2012-2013 fiscal years to end on June 30, 2013.**

8 (2) Each board described in this section shall prepare an annual financial statement of
 9 board revenues and expenses for the board's 2012-2013 fiscal year and shall make the state-
 10 ment available for public review. Each board shall provide a copy of its annual financial
 11 statement to the Oregon Department of Administrative Services on or before September 30,
 12 2013.

13 (3) If the Seventy-seventh Legislative Assembly does not enact legislation before July 1,
 14 2013, authorizing expenditures for a board described in this section for purposes of the
 15 2013-2015 biennial budget, in any Act for the temporary continuation of state agency expen-
 16 ditures, the expenditure levels budgeted by that board for the last quarter of the board's
 17 2012-2013 fiscal year shall be considered to be the board's authorized expenditure levels for
 18 the last quarter of the 2011-2013 biennial budget.

19 **SECTION 15. The amendments to ORS 182.460, 182.462, 182.464, 182.470, 182.472, 683.270,**
 20 **683.290, 687.071, 687.115, 687.250, 688.160 and 688.201 by sections 1 to 7 and 9 to 13 of this 2011**
 21 **Act do not act to cancel:**

22 (1) Any lawful debt owing by or to the Oregon Board of Optometry, the State Board of
 23 Massage Therapists or the Physical Therapist Licensing Board;

24 (2) Any contract entered into by a board;

25 (3) Any fine, penalty, tax or obligation imposed on or by a board;

26 (4) Any action taken by a board in the administration and enforcement of the board's
 27 duties;

28 (5) Any budget for the 2012-2013 fiscal year lawfully adopted by a board; or

29 (6) Any action in which a board is a named party that is filed on or before the operative
 30 date specified in section 17 of this 2011 Act.

31 **SECTION 16. On the operative date specified in section 17 of this 2011 Act:**

32 (1) The Oregon Board of Optometry shall close the account established by the board un-
 33 der ORS 182.470. The moneys in the account remaining unexpended and unobligated on the
 34 operative date of the amendments to ORS 683.290 by section 7 of this 2011 Act shall be
 35 transferred to the Oregon Board of Optometry Fund established under ORS 683.290.

36 (2) The State Board of Massage Therapists shall close the account established by the
 37 board under ORS 182.470. The moneys in the account remaining unexpended and unobligated
 38 on the operative date of section 8 of this 2011 Act shall be transferred to the State Board
 39 of Massage Therapists Fund established under section 8 of this 2011 Act.

40 (3) The Physical Therapist Licensing Board shall close the account established by the
 41 board under ORS 182.470. The moneys in the account remaining unexpended and unobligated
 42 on the operative date of the amendments to ORS 688.201 by section 13 of this 2011 Act shall
 43 be transferred to the Physical Therapist Licensing Board Fund established under ORS
 44 688.201.

45 **SECTION 17. (1) Section 8 of this 2011 Act and the amendments to ORS 182.460, 182.462,**

1 182.464, 182.470, 182.472, 671.655, 683.270, 683.290, 687.071, 687.115, 687.250, 688.160 and 688.201
2 by sections 1 to 7 and 9 to 13 of this 2011 Act become operative July 1, 2013.

3 (2) Notwithstanding subsection (1) of this section, the Oregon Board of Optometry, the
4 State Board of Massage Therapists, the Physical Therapist Licensing Board and any state
5 agency or officer may undertake any reasonable and necessary action prior to the operative
6 date specified in subsection (1) of this section to assist the boards in carrying out the re-
7 sponsibilities of the boards on or after that operative date. The authority granted by this
8 subsection includes, but is not limited to, the preparation of the biennial departmental
9 budgets of the Oregon Board of Optometry, the State Board of Massage Therapists and the
10 Physical Therapist Licensing Board for inclusion in the state budget for the 2013-2015
11 biennium.

12 **SECTION 18.** ORS 671.655 is amended to read:

13 671.655. Except as the State Landscape Contractors Board may otherwise provide under ORS
14 182.462 [(5)] (1)(e), the board shall deposit moneys received as fees or civil penalties into the ac-
15 count created by the board pursuant to ORS 182.470.

16 **SECTION 19.** This 2011 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
18 on its passage.

19 _____