

House Bill 2101

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., 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**.

Consolidates provisions relating to Oregon Health Licensing Agency's authority over certificates, permits, licenses and registrations and fees collected for certificates, permits, licenses and registrations. Makes other modifications to provisions relating to Oregon Health Licensing Agency and boards and councils administered by agency.

Becomes operative on January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Health Licensing Agency; creating new provisions; amending ORS 345.430,
3 675.370, 675.375, 675.380, 675.400, 676.185, 676.605, 676.606, 676.607, 676.608, 676.610, 676.612,
4 676.613, 676.615, 676.618, 676.625, 676.992, 678.720, 678.730, 678.740, 678.770, 680.505, 680.515,
5 680.527, 687.410, 687.420, 687.425, 688.709, 688.715, 688.720, 688.815, 688.819, 688.830, 690.005,
6 690.015, 690.046, 690.047, 690.055, 690.057, 690.105, 690.123, 690.155, 690.165, 690.360, 690.365,
7 690.385, 690.405, 691.435, 691.445, 691.465, 691.475, 694.025, 694.055, 694.085, 700.030, 700.035,
8 700.050, 700.053, 700.059 and 700.062; repealing ORS 675.405, 676.617, 678.760, 678.775, 680.525,
9 680.530, 687.435, 688.724, 688.728, 688.834, 690.085, 690.095, 690.235, 690.415, 691.479, 694.125,
10 694.185, 700.080, 700.100 and 700.105; and declaring an emergency.

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

OREGON HEALTH LICENSING AGENCY

(Consolidation of Authorizations)

12
13
14
15
16 **SECTION 1. Sections 2 to 4 of this 2013 Act are added to and made a part of ORS 676.605**
17 **to 676.625.**

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

19 (1) "Active authorization" means an authorization that is current and not suspended.

20 (2) "Authorization" means a certificate, license, permit or registration issued by the
21 Oregon Health Licensing Agency that allows a person to practice one of the occupations or
22 professions or maintain a facility subject to the authority of the boards and councils listed
23 in ORS 676.606.

24 (3) "Expired authorization" means an authorization that has been not current for more
25 than three years.

26 (4) "Inactive authorization" means an authorization that has been not current for three
27 years or less.

28 **SECTION 3. (1) Except as provided in subsection (2) or (7) of this section, an authori-**

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 zation issued by the Oregon Health Licensing Agency becomes not current on the last day
2 of the month, one year from the date of issuance.

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

5 (3) In order to renew an authorization, the holder of the authorization shall submit to
6 the agency on or before the date on which the authorization becomes not current:

7 (a) A renewal application;

8 (b) Fees established by the agency under section 4 of this 2013 Act; and

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

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

12 (a) An activation application;

13 (b) Fees established by the agency under section 4 of this 2013 Act; and

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

15 (5) In order to obtain a new authorization, the holder of an expired authorization shall
16 submit a new application, pay fees established by the agency under section 4 of this 2013 Act
17 and meet all requirements for a new authorization.

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

21 (7) The agency may vary the date on which an authorization becomes not current by
22 providing the holder of the authorization with written notice of the new date and prorating
23 the renewal fee accordingly.

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

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

28 (9) This section does not apply to temporary authorizations or authorizations related to
29 demonstration permits.

30 **SECTION 4.** (1) The Oregon Health Licensing Agency shall establish by rule and collect
31 fees for:

32 (a) Application for authorization;

33 (b) Original authorization;

34 (c) Renewal of authorization;

35 (d) Examinations and reexaminations;

36 (e) Authorizations related to demonstration permits;

37 (f) Temporary or provisional authorization;

38 (g) Replacement authorization;

39 (h) Late renewal of authorization;

40 (i) Reciprocity;

41 (j) Authorizations related to freelance licenses and independent contractor registrations;

42 (k) Authorizations related to facilities;

43 (L) Renewal of dormant authorization;

44 (m) Activation of inactive authorization;

45 (n) Verification of authorization;

1 (o) Duplicate authorization;

2 (p) Education or training provided by the agency; and

3 (q) Providing copies of official documentation or records and for recovering administra-
4 tive costs associated with compiling, photocopying, preparing and delivering the documenta-
5 tion or records.

6 (2) All moneys collected by the agency under this section shall be paid into the General
7 Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account
8 established under ORS 676.625.

9
10 (Applicability)

11
12 **SECTION 5.** Section 3 of this 2013 Act applies to authorizations issued on or after the
13 operative date specified in section 66 of this 2013 Act.

14
15 (Amended Provisions)

16
17 **SECTION 6.** ORS 676.185 is amended to read:

18 676.185. As used in ORS 676.185 to 676.200:

19 (1) "Health profession licensing board" means:

20 (a) A health professional regulatory board as defined in ORS 676.160; or

21 (b) The Oregon Health Licensing Agency for a board[,] **or** council [*or program*] listed in ORS
22 676.606.

23 (2) "Impaired professional" means a licensee who is unable to practice with professional skill
24 and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that
25 impair ability or by reason of a mental health disorder.

26 (3) "Licensee" means a health professional licensed or certified by or registered with a health
27 profession licensing board.

28 **SECTION 7.** ORS 676.605 is amended to read:

29 676.605. (1) To provide for the more effective coordination of administrative and regulatory
30 functions of certain health boards[, *councils and programs*] **and councils** involved in protecting the
31 public through the licensing and regulation of health-related professions and occupations practiced
32 in this state under uniform mission and goals, there is hereby created the Oregon Health Licensing
33 Agency.

34 (2) The mission of the agency is to serve the public by providing a uniform structure and ac-
35 countability for the boards[, *councils and programs*] **and councils** under its administration to protect
36 the public from harm. The agency's focus is to:

37 (a) Promote effective health policy that protects the public from incompetent or unauthorized
38 individuals and allows consumers to select a provider from a range of safe options.

39 (b) Provide outreach and training to stakeholders to improve compliance with public health and
40 safety standards, and to involve stakeholders in the regulation of the various disciplines and fields
41 of practice.

42 (c) Form partnerships and work in collaboration with each constituency, local and state gov-
43 ernmental agencies, educators, organizations and other affected entities to encourage diverse opin-
44 ions and perspectives.

45 (d) Provide the boards[, *councils and programs*] **and councils** with a standardized administrative

1 forum and procedures for operation, fiscal services, licensing, enforcement and complaint resolution.

2 (e) Resolve disputes between regulatory entities regarding the scope of practice of persons [*li-*
3 *censed*] **with authorization** by those entities **in the professions and occupations overseen by**
4 **those boards and councils.**

5 **SECTION 8.** ORS 676.606 is amended to read:

6 676.606. Pursuant to ORS 676.607, the Oregon Health Licensing Agency shall provide adminis-
7 trative and regulatory oversight and centralized service for the following boards[, *advisory councils*
8 *and programs*] **and councils:**

- 9 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 10 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.235;
- 11 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 12 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 13 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
14 ORS 688.800 to 688.840;
- 15 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 16 (7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.415;
- 17 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185;
- 18 (9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;
- 19 (10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; and
- 20 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485.

21 **SECTION 9.** ORS 676.607 is amended to read:

22 676.607. (1) The Oregon Health Licensing Agency is responsible for the administration and reg-
23 ulatory oversight of the boards[, *councils and programs*] **and councils** listed in ORS 676.606. The
24 responsibilities of the agency include, but are not limited to:

- 25 (a) Budgeting;
- 26 (b) Record keeping;
- 27 (c) Staffing;
- 28 (d) Contracting;
- 29 (e) Consumer protection and investigating complaints;
- 30 (f) [*Approving*] **Establishing** and collecting fees;
- 31 (g) Establishing and administering uniform application processes for the issuance of [*certificates,*
32 *licenses, permits and registrations*] **authorizations;**
- 33 (h) Issuing and renewing [*certificates, licenses, permits and registrations*] **authorizations;**
- 34 (i) Conditioning, limiting, suspending, revoking or refusing to issue or renew [*a certificate, li-*
35 *cence, permit or registration*] **an authorization** or otherwise disciplining applicants[, *certificate*
36 *holders, licensees, permit holders and registration*] **and authorization** holders;
- 37 (j) Sanctioning any examination service provider, interpreter or proctor who is under contract
38 or agreement with the agency and who compromises the security, confidentiality or integrity of ex-
39 aminations developed or conducted pursuant to the statutory authority of the boards and councils
40 listed in ORS 676.606;
- 41 (k) Enforcing all administrative rules adopted under any statute the agency is charged with
42 enforcing, including board[, *council and program*] **and council** administrative rules establishing
43 professional code of conduct and practice standards, [*continuing education requirements,*] the scope
44 of professional practice and requirements for obtaining informed consent before providing certain
45 services or performing any procedure on clients;

- 1 (L) Preparing, tracking and reporting agency performance measures;
- 2 (m) Implementing regulatory streamlining initiatives to reduce regulatory burdens without com-
3 promising regulatory standards;
- 4 (n) Preparing and circulating printed and electronic materials for educating or otherwise as-
5 sisting applicants, [*certificate holders, licensees, permit holders and registration*] **authorization** hold-
6 ers and the public;
- 7 (o) Adopting rules for the issuance of waivers or provisional authorizations to practice, and es-
8 tablishing special conditions of practice, during a state of emergency declared by the Governor un-
9 der ORS 401.165;
- 10 (p) Referring impaired practitioners to a diversion program approved or recognized by the
11 agency and establishing criteria by rule for monitoring the impaired practitioner’s progress and
12 successful completion of the program; [*and*]
- 13 (q) Establishing requirements for additional education, training or supervised experience to
14 achieve compliance with the laws and rules governing professional practice[.];
- 15 **(r) Establishing by rule continuing education requirements for renewal of an authori-
16 zation if the agency determines that continuing education is appropriate for renewal of the
17 authorization;**
- 18 **(s) Exempting from authorization requirements a person who provides services at chari-
19 table or fund raising events, after the agency has considered and evaluated the written re-
20 quest for an exemption on an individual basis; and**
- 21 **(t) Establishing requirements by rule for the issuance of a provisional authorization for
22 purposes related to education or training.**
- 23 (2) The enumeration of duties, functions and powers in subsection (1) of this section is not in-
24 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the
25 agency by other statutes.
- 26 **SECTION 10.** ORS 676.608 is amended to read:
- 27 676.608. (1) As used in this section,[:]
- 28 [(a) “Holder” means a person who holds a certificate, license, permit or registration to practice is-
29 sued by the Oregon Health Licensing Agency.]
- 30 [(b)] “public entity” has the meaning given that term in ORS 676.177.
- 31 (2)(a) The **Oregon Health Licensing Agency** shall carry out all investigatory duties **relating
32 to the boards and councils listed in ORS 676.606.**
- 33 (b) Upon its own motion, the agency may initiate and conduct investigations of matters relating
34 to the practice of occupations or professions subject to the authority of the boards[, *councils and
35 programs*] **and councils** listed in ORS 676.606.
- 36 (c) When the agency receives a complaint by any person against [*a*] **an authorization** holder,
37 the agency shall investigate the complaint as provided in ORS 676.165.
- 38 (3) While conducting an investigation authorized under subsection (2) of this section or a hear-
39 ing related to an investigation, the agency may:
- 40 (a) Take evidence;
- 41 (b) Administer oaths;
- 42 (c) Take the depositions of witnesses, including the person charged;
- 43 (d) Compel the appearance of witnesses, including the person charged;
- 44 (e) Require answers to interrogatories;
- 45 (f) Compel the production of books, papers, accounts, documents and testimony pertaining to the

1 matter under investigation; and

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

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

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

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

16 (7) In all investigations and hearings, the agency and any person affected *[thereby]* **by the in-**
17 **vestigation or hearing** may have the benefit of counsel.

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

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

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

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

36 **SECTION 11.** ORS 676.610 is amended to read:

37 676.610. (1)(a) The Oregon Health Licensing Agency is under the supervision and control of a
38 director, who is responsible for the performance of the duties, functions and powers and for the or-
39 ganization of the agency.

40 (b) The Director of the Oregon Department of Administrative Services shall establish the qual-
41 ifications for and appoint the Director of the Oregon Health Licensing Agency, who holds office at
42 the pleasure of the Director of the Oregon Department of Administrative Services.

43 (c) The Director of the Oregon Health Licensing Agency shall receive a salary as provided by
44 law or, if not so provided, as prescribed by the Director of the Oregon Department of Administrative
45 Services.

1 (d) The Director of the Oregon Health Licensing Agency is in the unclassified service.

2 (2) The Director of the Oregon Health Licensing Agency shall provide the boards[, *councils and*
3 *programs*] **and councils** administered by the agency with such services and employees as the agency
4 requires to carry out the agency's duties. Subject to any applicable provisions of the State Personnel
5 Relations Law, the Director of the Oregon Health Licensing Agency shall appoint all subordinate
6 officers and employees of the agency, prescribe their duties and fix their compensation.

7 (3) The Director of the Oregon Health Licensing Agency is responsible for carrying out the
8 duties, functions and powers under ORS 675.360 to 675.410, 676.605 to 676.625, 676.992, 678.710 to
9 678.820, 680.500 to 680.565, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005
10 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185 and ORS chapter 700.

11 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
12 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the
13 Oregon Health Licensing Agency by other statutes.

14 **SECTION 12.** ORS 676.612 is amended to read:

15 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases and as specified
16 in ORS 675.385, 678.780, 680.535, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and
17 700.111, the Oregon Health Licensing Agency may refuse to issue or renew, may suspend or revoke
18 or may otherwise condition or limit [*a certificate, license, permit or registration to practice issued by*
19 *the agency*] **an authorization** or may discipline or place on probation [*a holder of a certificate, li-*
20 *cence, permit or registration*] **an authorization holder** for commission of the prohibited acts listed
21 in subsection (2) of this section.

22 (2) A person subject to the authority of a board[, *council or program*] **or council** listed in ORS
23 676.606 commits a prohibited act if the person engages in:

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

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

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

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

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

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

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

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

45 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-

1 son to practice a regulated occupation or profession subject to the authority of the boards[, *councils*
2 *and programs*] **and councils** listed in ORS 676.606.

3 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
4 or failure to conform to standards of practice in performing services or practicing in a regulated
5 occupation or profession subject to the authority of the boards[, *councils and programs*] **and coun-**
6 **cils** listed under ORS 676.606.

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

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

16 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
17 boards[, *councils and programs*] **and councils** listed in ORS 676.606.

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

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

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

26 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
27 occupation or profession subject to the authority of the boards[, *councils and programs*] **and coun-**
28 **cils** listed in ORS 676.606, or aiding or abetting such an act.

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

31 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
32 181.534, the agency may require the fingerprints of a person who is:

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

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

37 (c) Under investigation by the agency.

38 (4) If the agency places [*a holder of a certificate, license, permit or registration*] **an authorization**
39 **holder** on probation under subsection (1) of this section, the agency, in consultation with the ap-
40 propriate board[, *council or program*] **or council**, may determine and at any time modify the condi-
41 tions of the probation.

42 (5) If [*a certificate, license, permit or registration*] **an authorization** is suspended, the **authori-**
43 **zation** holder may not practice during the term of suspension. Upon the expiration of the term of
44 suspension, the [*certificate, license, permit or registration*] **authorization** may be reinstated by the
45 agency if the conditions of suspension no longer exist and the **authorization** holder has satisfied

1 all requirements in the relevant statutes or administrative rules for issuance, renewal or rein-
 2 statement.

3 **SECTION 13.** ORS 676.613 is amended to read:

4 676.613. (1) In addition to all other remedies, when it appears to the Oregon Health Licensing
 5 Agency that a person is engaged in, has engaged in or is about to engage in any act, practice or
 6 transaction that violates any provision of ORS 675.360 to 675.410, [676.617,] 678.710 to 678.820,
 7 680.500 to 680.565, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235,
 8 690.350 to 690.415, 691.405 to 691.485 or 694.015 to 694.185 or ORS chapter 700, the agency may,
 9 through the Attorney General or the district attorney of the county in which the act, practice or
 10 transaction occurs or will occur, apply to the court for an injunction restraining the person from
 11 the act, practice or transaction.

12 (2) A court may issue an injunction under this section without proof of actual damages. An in-
 13 junction issued under this section does not relieve a person from any other prosecution or enforce-
 14 ment action taken for violation of statutes listed in subsection (1) of this section.

15 **SECTION 14.** ORS 676.615 is amended to read:

16 676.615. (1) In accordance with applicable provisions of ORS chapter 183, the Director of the
 17 Oregon Health Licensing Agency may adopt rules necessary for the administration of the laws that
 18 the Oregon Health Licensing Agency is charged with administering.

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

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

25 (4) Pursuant to ORS 676.605 and 676.607, the agency may adopt rules to recognize specialties
 26 within a regulated field of practice subject to the authority of the boards[, *councils or programs*] **and**
 27 **councils** listed in ORS 676.606 and may establish requirements for education, experience, examina-
 28 tions and supervision as necessary to ensure public safety and competency within the specialty.

29 **SECTION 15.** ORS 676.618 is amended to read:

30 676.618. (1) Upon its own motion or upon any complaint, the Oregon Health Licensing Agency
 31 may conduct an inspection to determine whether a facility or a part of the facility that is the subject
 32 of the inspection complies with the [*licensing*] **authorization**, safety, infection control and
 33 sterilization requirements imposed by statute or rule of the agency or the boards[, *councils and*
 34 *programs*] **and councils** administered by the agency.

35 (2) The agency shall provide for the periodic inspection of facilities, business premises or other
 36 locations where services are performed by the practitioners of the occupations or professions subject
 37 to the authority of the boards[, *councils and programs*] **and councils** that are administered and
 38 regulated by the agency pursuant to ORS 676.606.

39 **SECTION 16.** ORS 676.625 is amended to read:

40 676.625. (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees
 41 and charges to carry out the agency's responsibilities under ORS 676.605 to 676.625 and 676.992 and
 42 any responsibility imposed on the agency pertaining to the boards[, *councils and programs*] **and**
 43 **councils** administered and regulated by the agency pursuant to ORS 676.606.

44 (2) The Oregon Health Licensing Agency Account is established in the General Fund of the
 45 State Treasury. The account shall consist of the moneys credited to the account by the Legislative

1 Assembly. All moneys in the account are appropriated continuously to and shall be used by the
 2 Oregon Health Licensing Agency for payment of expenses of the agency in carrying out the duties,
 3 functions and obligations of the agency, and for payment of the expenses of the boards[, *councils and*
 4 *programs*] **and councils** administered and regulated by the agency pursuant to ORS 676.606. The
 5 agency shall keep a record of all moneys credited to the account and report the source from which
 6 the moneys are derived and the activity of each board[, *council or program*] **or council** that gener-
 7 ated the moneys.

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

13 (4) All moneys credited to the account pursuant to [*ORS 675.405, 676.617, 680.525, 687.435,*
 14 *688.728, 688.834, 690.235, 690.415, 691.479, 694.185 and 700.080*] **section 4 of this 2013 Act**, and
 15 moneys credited to the account from other agency and program fees established by the agency by
 16 rule, are continuously appropriated to the agency for carrying out the duties, functions and powers
 17 of the agency under ORS 676.605 to 676.625 and 676.992.

18 (5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and
 19 accounted for as are other moneys received by the agency and shall be for the administration and
 20 enforcement of the statutes governing the boards[, *councils and programs*] **and councils** adminis-
 21 tered by the agency.

22 **SECTION 17.** ORS 676.992 is amended to read:

23 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
 24 penalty or remedy provided by law, the Oregon Health Licensing Agency may impose a civil penalty
 25 not to exceed \$5,000 for each violation of the following statutes and any rule adopted thereunder:

26 (a) ORS 688.701 to 688.734 (athletic training);

27 (b) ORS 690.005 to 690.235 (cosmetology);

28 (c) ORS 680.500 to 680.565 (denture technology);

29 (d) ORS 687.405 to 687.495 (direct entry midwifery);

30 (e) ORS 690.350 to 690.415 (tattooing, electrolysis, body piercing, dermal implanting and
 31 scarification);

32 (f) ORS 694.015 to 694.185 (dealing in hearing aids);

33 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

34 (h) ORS chapter 700 (environmental sanitation);

35 [*i*] ORS 676.617 (*single facility licensure*);]

36 [*j*] (i) ORS 675.360 to 675.410 (sex offender treatment);

37 [*k*] (j) ORS 678.710 to 678.820 (nursing home administrators);

38 [*L*] (k) ORS 691.405 to 691.485 (dietitians); and

39 [*m*] (L) ORS 676.612 (prohibited acts).

40 (2) The agency may take any other disciplinary action that it finds proper, including but not
 41 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
 42 statute listed in subsection (1) of this section or any rule adopted under any statute listed in sub-
 43 section (1) of this section.

44 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a
 45 violation of ORS 694.042.

1 (4) In imposing a civil penalty pursuant to this section, the agency shall consider the following
2 factors:

3 (a) The immediacy and extent to which the violation threatens the public health or safety;

4 (b) Any prior violations of statutes, rules or orders;

5 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
6 lation; and

7 (d) Any other aggravating or mitigating factors.

8 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

9 (6) The moneys received by the agency from civil penalties under this section shall be paid into
10 the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Ac-
11 count established under ORS 676.625. Such moneys are continuously appropriated to the agency for
12 the administration and enforcement of the laws the agency is charged with administering and en-
13 forcing that govern the person against whom the penalty was imposed.

14
15 **NURSING HOME ADMINISTRATORS**

16
17 **SECTION 18.** ORS 678.720 is amended to read:

18 678.720. (1) Unless an individual holds [*a valid*] **an active** license issued under the provisions
19 of ORS 678.710 to 678.820, an individual may not:

20 (a) Practice or offer to practice as a nursing home administrator; or

21 (b) Use in connection with the name of the individual the words or letters “nursing home ad-
22 ministrator,” “NHA” or any other words, letters or abbreviations or insignia tending to indicate that
23 the individual is a licensed nursing home administrator.

24 (2) A nursing home shall be conducted or operated under the supervision of a nursing home
25 administrator who holds [*a valid*] **an active** license issued under the provisions of ORS 678.710 to
26 678.820.

27 **SECTION 19.** ORS 678.730 is amended to read:

28 678.730. (1) An individual qualifies for licensure as a nursing home administrator if the individ-
29 ual:

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

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

35 (b) **Has passed an examination as provided in ORS 678.740; and**

36 (c) **Has completed training requirements established by the Nursing Home Administra-**
37 **tors Board by rule.**

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

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

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

45 [(b) *Was an administrator of a dual facility meeting the experience requirements pursuant to sub-*

1 *section (1)(a) of this section.]*

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

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

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

13 **SECTION 20.** ORS 678.740 is amended to read:

14 678.740. (1) Examinations for licensure as a nursing home administrator shall be conducted at
 15 such times and places as the Nursing Home Administrators Board designates, but not less than once
 16 a year. *[The fee for examination or reexamination shall be determined by the Oregon Health Licensing*
 17 *Agency under ORS 678.775.]*

18 **(2) At the time of taking an examination for licensure as a nursing home administrator,**
 19 **an applicant shall pay an examination or reexamination fee established by the Oregon Health**
 20 **Licensing Agency under section 4 of this 2013 Act.**

21 [(2)] **(3)** The board shall, consistent with the purposes for which the examination is given, de-
 22 termine the subjects, scope, content and the minimum passing grade for examinations.

23 **SECTION 21.** ORS 678.770 is amended to read:

24 678.770. (1) The Nursing Home Administrators Board may establish by rule standards for the
 25 issuance of a license by endorsement, without examination, to an applicant who:

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

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

31 (2) Each applicant under this section shall pay to the Oregon Health Licensing Agency at the
 32 time of filing the application *[a fee determined by the agency under ORS 678.775]* **the applicable fees**
 33 **established under section 4 of this 2013 Act.**

34
 35 **DENTURISTS**

36
 37 **SECTION 22.** ORS 680.505 is amended to read:

38 680.505. Unless *[the]* a person holds *[a valid]* **an active** license issued under ORS 680.500 to
 39 680.565, a person *[shall]* **may** not:

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

41 (2) Use in connection with the name of the person the word “denturist” or any other words,
 42 letters or abbreviations or insignia tending to indicate that such person is engaged in the practice
 43 of denture technology.

44 **SECTION 23.** ORS 680.515, as amended by section 9, chapter 43, Oregon Laws 2012, is amended
 45 to read:

1 680.515. (1) Subject to the provisions of ORS 676.612, [upon application accompanied by payment
2 of required fees,] the Oregon Health Licensing Agency shall issue a license to practice denture
3 technology to an applicant who, **in addition to submitting an application and paying the appli-**
4 **cable fees established under section 4 of this 2013 Act:**

5 (a) Provides to the agency official transcripts verifying completion of an associate degree pro-
6 gram in denture technology, or the equivalent in formal, post-secondary education, approved by the
7 agency in consultation with the Oregon Student Access Commission and the Department of Educa-
8 tion.

9 (b) Provides to the agency documentation of 1,000 hours of supervised clinical practice in
10 denture technology, completed while enrolled in or after having completed a course of study offered
11 in a post-secondary educational institution, or through equivalent supervised experience, as deter-
12 mined by the agency in consultation with the commission and the department.

13 (c) Passes a written and a practical examination prescribed, recognized or approved by the State
14 Board of Denture Technology. An applicant who fails the practical examination must complete ad-
15 ditional hours of clinical and laboratory training in an approved work experience program, as de-
16 termined by the board, to qualify for reexamination.

17 (d) Meets other requirements established by the agency by rule.

18 (2) The educational program required by subsection (1)(a) of this section must include pertinent
19 courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology empha-
20 sizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical
21 denture technology and denture laboratory technology.

22 (3) Notwithstanding subsection (1)(a) of this section, the board may accept educational training
23 obtained in any other state or country if, upon review of satisfactory evidence, the agency deter-
24 mines that the educational program in the other state or country meets the educational standards
25 prescribed under this section.

26 (4) An applicant meets the requirements of subsection (1)(a) or (b) of this section if the applicant
27 provides the agency with documentation of military training or experience that the agency deter-
28 mines is substantially equivalent to the training or experience required by subsection (1)(a) or (b)
29 of this section.

30 (5) Notwithstanding subsection (1)(c) of this section, the agency may adopt rules providing for
31 waiver of the practical examination requirement.

32 (6) The agency may adopt rules allowing for issuance of a temporary license to practice denture
33 technology.

34 **SECTION 24.** ORS 680.527 is amended to read:

35 680.527. The Oregon Health Licensing Agency may issue a license to practice denture technol-
36 ogy, without examination, to any person who:

37 (1) Submits an application and pays the [fees required under ORS 680.525] **applicable fees es-**
38 **tablished under section 4 of this 2013 Act;**

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

40 (3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada
41 or a territory of the United States, and the standards for licensing of denturists in the licensing
42 jurisdiction are determined by the agency to be substantially equivalent to those of ORS 680.500 to
43 680.565;

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

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

4
5 **DIRECT ENTRY MIDWIVES**

6
7 **SECTION 25.** ORS 687.410 is amended to read:

8 687.410. [No] **A** person [shall] **may not** use the title “licensed direct entry midwife,” any ab-
9 breviation thereof or the initials “L.D.M.” unless the person possesses [a valid] **an active** license
10 issued under ORS 687.405 to 687.495.

11 **SECTION 26.** ORS 687.420 is amended to read:

12 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifica-
13 tions for the licensure of direct entry midwives. Such standards shall include:

14 (a) Sufficient knowledge in the following areas:

15 (A) Techniques in taking patient histories;

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

17 (C) Appropriate use of diagnostic testing;

18 (D) Necessity for referral;

19 (E) Pathology in childbirth;

20 (F) Mechanisms of labor;

21 (G) Aseptic techniques;

22 (H) Postpartum care;

23 (I) Examinations of newborn infants; and

24 (J) Family planning;

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

26 (c) Participation in:

27 (A) 25 assisted deliveries;

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

29 (C) 100 prenatal care visits;

30 (D) 25 newborn examinations; and

31 (E) 40 postnatal examinations;

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

33 (e) A written plan for emergency transport.

34 (2) [Any] **A** person who desires to become licensed as a direct entry midwife shall submit an
35 application to the Oregon Health Licensing Agency stating the applicant’s qualifications for
36 licensure. If the applicant meets the standards established under subsection (1) of this section and
37 the applicant is not disqualified from licensure under ORS 676.612, the agency shall issue an annual
38 license to the direct entry midwife. The agency shall impose [a fee] **the applicable fees** for licensure
39 and examination [in the amount established pursuant to ORS 687.435] **established under section 4**
40 **of this 2013 Act.**

41 (3) [Any] **A** direct entry midwife licensed under this section is entitled to payment under the
42 rules of the medical assistance program for services provided to any eligible recipient of medical
43 assistance.

44 **SECTION 27.** ORS 687.425 is amended to read:

45 687.425. (1) [Except as provided in subsection (2) of this section, a license issued by the Oregon

1 *Health Licensing Agency for a direct entry midwife expires after one year.] The Oregon Health Li-*
2 **censing Agency shall renew a direct entry midwife license upon:**

3 **(a) The applicant’s satisfaction of the requirements for renewal under section 3 of this**
4 **2013 Act;**

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

8 **(c) Receipt of the applicable renewal fee established under section 4 of this 2013 Act; and**

9 **(d) The applicant’s satisfaction of the requirements for renewal prescribed by the State**
10 **Board of Direct Entry Midwifery under subsections (2) and (3) of this section.**

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

14 [(3)] **(2)** The board shall prescribe requirements for license renewal including, but not limited to,
15 continuing education that must include training in use of legend drugs and devices. [*In addition to*
16 *continuing education requirements,*]

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

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

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

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

27
28 **ATHLETIC TRAINERS**

29
30 **SECTION 28.** ORS 688.709 is amended to read:

31 688.709. The Board of Athletic Trainers shall:

32 (1) Advise the Oregon Health Licensing Agency about the adoption of rules necessary for the
33 administration of ORS 688.701 to 688.734.

34 (2) Determine training and education requirements for registration as described in ORS 688.720.

35 (3) Determine qualifications and documentation required for registrations, permits, temporary
36 registrations and waivers.

37 (4) Determine requirements for reciprocity and equivalency for the practice of athletic training.

38 (5) Establish a code of professional responsibility and standards of practice for registered ath-
39 letic trainers.

40 (6) Develop, approve or recognize a written examination to test an applicant’s knowledge of the
41 basic and clinical sciences relating to athletic training techniques and methods and any other sub-
42 jects the board may determine to be necessary to assess an applicant’s fitness to practice athletic
43 training.

44 (7) Establish standards for acceptable performance, including but not limited to a passing score
45 on the approved or recognized competency examination.

1 [(8) *Establish continuing education requirements for renewal of registration.*]

2 [(9)] (8) Establish policies and criteria for the assessment of the quality of the practice of ath-
 3 letic trainers.

4 [(10)] (9) Adopt rules that include provisions describing procedures, when appropriate, for col-
 5 laboration between athletic trainers and physicians licensed pursuant to ORS chapter 677.

6 **SECTION 29.** ORS 688.715 is amended to read:

7 688.715. The Oregon Health Licensing Agency is granted authority to carry out the following
 8 duties:

9 (1) Adopt rules that are necessary to conduct business, carry out duties and administer the
 10 provisions of ORS 688.701 to 688.734.

11 (2) Issue registrations, including temporary registrations, permits, waivers and other authori-
 12 zations to practice athletic training as determined by the Board of Athletic Trainers.

13 [(3) *Establish and collect fees and charges to carry out its legal responsibilities.*]

14 [(4)] (3) Authorize all necessary disbursements to carry out the provisions of ORS 688.701 to
 15 688.734, including but not limited to payment for necessary supplies, office equipment, books and
 16 expenses for the conduct of examinations, payment for legal and investigative services rendered to
 17 the agency and such other expenditures as are provided for in ORS 688.701 to 688.734.

18 [(5)] (4) Employ inspectors, examiners, special agents, investigators, clerical assistants and ac-
 19 countants as are necessary for the investigation and prosecution of alleged violations and the
 20 enforcement of ORS 688.701 to 688.734, and for such other purposes as the agency may require.
 21 Nothing in ORS 688.701 to 688.734 shall be construed to prevent assistance being rendered by an
 22 employee of the agency in any hearing called by it. However, all obligations for salaries and ex-
 23 penses incurred under ORS 688.701 to 688.734 shall be paid only from the fees accruing to the
 24 agency under ORS 688.701 to 688.734.

25 [(6)] (5) [*The agency shall*] Provide the board with such administrative services and employees
 26 as the board requires to carry out its duties.

27 [(7)] (6) Maintain an accurate record of all proceedings of the board and of all its meetings,
 28 receipts and disbursements, civil penalties and orders for violation of ORS 688.701 to 688.734, re-
 29 cords for registration to practice athletic training together with the addresses of those registered,
 30 and the names of all persons whose registration has been subject to disciplinary action.

31 [(8)] (7) Investigate complaints, take disciplinary action, including assessment of civil penalties,
 32 and provide opportunity for hearing according to ORS 183.745.

33 [(9)] (8) Administer oaths, issue notices and subpoenas in the name of the board, enforce
 34 subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as
 35 are reasonably necessary to carry out duties of the board granted under ORS 688.701 to 688.734.

36 **SECTION 30.** ORS 688.720, as amended by section 19, chapter 43, Oregon Laws 2012, is
 37 amended to read:

38 688.720. The [*Board of Athletic Trainers*] **Oregon Health Licensing Agency** shall issue a reg-
 39 istration as an athletic trainer under ORS 688.701 to 688.734 to an applicant who has:

40 (1) Provided to the [*board*] **agency** adequate proof of:

41 (a) Receipt of a bachelor's degree from an accredited four-year college or university and has
 42 met the minimum athletic training curriculum requirements established by the **Board of Athletic**
 43 **Trainers** and adopted by rule; or

44 (b) Military experience or training that the **Board of Athletic Trainers** determines is substan-
 45 tially equivalent to the education required by paragraph (a) of this subsection;

1 (2) Successfully completed the certification examination administered by the National Athletic
2 Trainers Association Board of Certification or equivalent examination approved [*or recognized*] by
3 the Board of Athletic Trainers;

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

6 (4) Submitted to the [*Board of Athletic Trainers*] **agency** adequate documentation that the ap-
7 plicant is at least 18 years of age; and

8 (5) Paid [*all fees required*] **the applicable fees** for registration **established under section 4 of**
9 **this 2013 Act.**

10
11 **RESPIRATORY THERAPISTS AND POLYSOMNOGRAPHIC TECHNOLOGISTS**

12
13 **SECTION 31.** ORS 688.815, as amended by section 20, chapter 43, Oregon Laws 2012, is
14 amended to read:

15 688.815. (1) An applicant for a license to practice respiratory care shall:

16 (a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

17 (A) Is at least 18 years of age;

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

20 (C) Has completed a respiratory care education program approved by the American Medical
21 Association in collaboration with the Joint Review Committee for Respiratory Therapy Education
22 or their successors or equivalent organizations, as approved by the Respiratory Therapist and
23 Polysomnographic Technologist Licensing Board; and

24 (b) Pass an examination approved by the board.

25 (2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant
26 provides the agency with documentation of military training or experience that the board determines
27 is substantially equivalent to the education required by subsection (1)(a)(C) of this section.

28 (3) The agency may issue a license to practice respiratory care by endorsement or reciprocity
29 to:

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

33 (b) An applicant holding an active credential conferred by the National Board for Respiratory
34 Care as a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or
35 both.

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

38 [*(5) To renew a license to practice respiratory care, a licensee must submit to the agency a com-*
39 *pleted renewal application, required renewal fee and satisfactory evidence of completion of any required*
40 *continuing education credits on or before the expiration date of the license as specified by agency*
41 *rule.*]

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

45 [*(7) If the license of a respiratory care practitioner has been denied, suspended or revoked for*

1 *commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the license*
 2 *for up to one year from the date of denial, suspension or revocation.]*

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

5 **SECTION 32.** ORS 688.819, as amended by section 21, chapter 43, Oregon Laws 2012, is
 6 amended to read:

7 688.819. (1) An applicant for a polysomnographic technologist license shall:

8 (a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

9 (A) Is at least 18 years of age;

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

12 (C) Has completed a polysomnography education program approved by the Respiratory Therapist
 13 and Polysomnographic Technologist Licensing Board; and

14 (b) Pass an examination approved by the board.

15 (2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant
 16 provides the agency with documentation of military training or experience that the board determines
 17 is substantially equivalent to the education required by subsection (1)(a)(C) of this section.

18 (3) The agency may issue a polysomnographic technologist license by endorsement or reciprocity
 19 to:

20 (a) An applicant who is currently licensed to practice polysomnography under the laws of an-
 21 other state, territory or country if the qualifications of the applicant are considered by the agency
 22 to be equivalent to those required in this state; or

23 (b) An applicant holding an active credential approved by the board.

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

26 *[(5) To renew a polysomnographic technologist license, a licensee must submit to the agency a*
 27 *completed renewal application, required renewal fee and satisfactory evidence of completion of any re-*
 28 *quired continuing education credits on or before the expiration date of the license as specified by*
 29 *agency rule.]*

30 *[(6) 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 *[(7) If a polysomnographic technologist license has been denied, suspended or revoked for commis-*
 34 *sion of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the license for*
 35 *up to one year from the date of denial, suspension or revocation.]*

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

38 *[(9) The agency may issue a temporary permit to practice polysomnography in accordance with*
 39 *rules adopted by the agency.]*

40 **SECTION 33.** ORS 688.830 is amended to read:

41 688.830. (1) The Oregon Health Licensing Agency shall:

42 (a) Determine the qualifications and fitness of applicants for licensure, renewal of license and
 43 reciprocal licenses under ORS 688.800 to 688.840.

44 (b) Adopt rules that are necessary to conduct its business related to, carry out its duties under
 45 and administer ORS 688.800 to 688.840.

1 (c) Examine, approve, issue, deny, revoke, suspend and renew licenses to practice respiratory
2 care and polysomnography under ORS 688.800 to 688.840.

3 (d) Maintain a public record of persons licensed by the agency to practice respiratory care and
4 polysomnography.

5 (2) The Respiratory Therapist and Polysomnographic Technologist Licensing Board shall:

6 (a) Establish standards of practice and professional responsibility for persons licensed by the
7 agency.

8 [(b) *Establish continuing education requirements for renewal of a license.*]

9 [(c) (b) Provide for waivers of examinations, grandfathering requirements and temporary li-
10 censes as considered appropriate.

11
12 **COSMETOLOGISTS**

13
14 **SECTION 34.** ORS 690.005 is amended to read:

15 690.005. As used in ORS 690.005 to 690.235:

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

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

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

20 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
21 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, [*but such*
22 *appliances shall*] **except that the mechanical appliances may** not be galvanic or faradic.

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

24 [(2) "*Board*" means the Board of Cosmetology, created within the Oregon Health Licensing
25 Agency.]

26 [(3) (2) "Certificate" means a written authorization for the holder to perform in one or more
27 fields of practice.

28 [(4) (3) "Cosmetology" means the art or science of beautifying and improving the skin, nails and
29 hair and the study of cosmetics and their application.

30 [(5) (4) "Demonstration permit" means a written authorization for a person to practice, dem-
31 onstrate and teach one or more fields of practice on a temporary basis.

32 [(6) (5) "Esthetics" means any of the following skin care practices performed on the human
33 body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or
34 treatment of disease or physical or mental ailments:

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

37 (b) Temporary removal of hair.

38 (c) Makeup artistry.

39 (d) Facial and body wrapping.

40 (e) Facial and body waxing.

41 [(7) (6) "Facility" means an establishment operated on a regular or irregular basis for the pur-
42 pose of providing services in one or more fields of practice.

43 [(8) (7) "Field of practice" means the following cosmetology disciplines:

44 (a) Barbering.

45 (b) Esthetics.

1 (c) Hair design.

2 (d) Nail technology.

3 [(9)] (8) “Freelance [*authorization*] **license**” means a written authorization that allows a practi-
4 tioner to practice outside or away from a licensed facility.

5 [(10)] (9) “Hair design” means any of the following practices, when done upon the human body
6 for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
7 ailments:

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

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

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

13 [(11)] (10) “Independent contractor” means a practitioner who qualifies as an independent con-
14 tractor under ORS 670.600 and who is not under the control and direction of a facility license
15 holder.

16 [(12)] (11) “License” means a written authorization issued under ORS 690.055 to a person to
17 operate a facility **or freelance business** for providing services related to one or more fields of
18 practice to the public.

19 [(13)] (12) “Nail technology” means any of the following manicuring or pedicuring practices
20 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
21 or mental ailments:

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

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

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

27 [(14)] (13) “Practitioner” means a person certified to perform services included within a field of
28 practice.

29 [(15)] (14) “Registration” means a written authorization issued to an independent contractor to
30 hold forth to the public as a business entity providing services in a field of practice.

31 [(16)] (15) “School” means an educational establishment that has a license issued by the De-
32 partment of Education and is operated for the purpose of teaching one or more fields of practice.

33 [(17)] (16) “Temporary facility permit” means a written authorization issued under ORS 690.055
34 to provide services on a temporary basis in one or more fields of practice.

35 **SECTION 35.** ORS 690.015 is amended to read:

36 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
37 ing, esthetics and nail technology. The prohibitions under this section are subject to the exemptions
38 under ORS 690.025. A person who commits an act prohibited under this section is subject to the
39 penalties under ORS 690.992 in addition to any administrative action taken by or any civil penalty
40 imposed by the Oregon Health Licensing Agency under ORS 676.612.

41 (2) A person may not:

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

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

45 (c) Perform or attempt to perform services in a field of practice [*in a facility that does not have*

1 *a license or temporary facility permit*] **outside a licensed facility or temporary facility unless the**
 2 **person holds a freelance license issued under ORS 690.123.**

3 (d) Practice hair design, barbering, esthetics or nail technology as an independent contractor
 4 without a registration.

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

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

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

11 (h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration,
 12 license[,] **or** permit [*or freelance authorization*].

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

15 (j) Materially alter with fraudulent intent a document evidencing a certificate, registration,
 16 license[,] **or** permit [*or freelance authorization*].

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

19 **SECTION 36.** ORS 690.046 is amended to read:

20 690.046. To qualify for certification as a practitioner of hair design, barbering, esthetics or nail
 21 technology, an applicant shall:

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

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

26 (3) Pay [*all appropriate fees*] **the applicable fees established under section 4 of this 2013**
 27 **Act.**

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

30 **SECTION 37.** ORS 690.047, as amended by section 24, chapter 43, Oregon Laws 2012, is
 31 amended to read:

32 690.047. (1) The Board of Cosmetology may [*choose to*] waive all or part of the educational re-
 33 quirement for an applicant in a field of practice and allow the applicant to take the certification
 34 examination, provided that:

35 (a) The applicant's education or training, including relevant education or training obtained in
 36 the military, is determined by the board to be substantially equivalent to Oregon certification re-
 37 quirements;

38 (b) The applicant is otherwise qualified to take the examination; and

39 (c) The [*applicant's certification in another state is in good standing*] **applicant holds an active**
 40 **certification that was issued in another state or a territory of the United States and has not**
 41 **been subject to disciplinary action by the other certifying body.**

42 (2) The Oregon Health Licensing Agency may issue a specialty certificate in a field of practice
 43 to a practitioner who has:

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

- 1 (b) Passed an examination approved or recognized by the board; **and**
- 2 (c) Paid the *[required fees; and]* **applicable fees established under section 4 of this 2013 Act.**
- 3 *[(d) Completed prescribed continuing education credits as determined by agency rule.]*

4 **SECTION 38.** ORS 690.055 is amended to read:

5 690.055. (1) To be issued a license to operate a facility, each applicant shall:

- 6 (a) Be 18 years of age or older, if the applicant is a natural person.
- 7 (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection
- 8 control.
- 9 (c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority
- 10 and any other state agencies.

11 (d) Pay the *[required fees]* **applicable fees established under section 4 of this 2013 Act.**

12 (e) If the applicant is an entity other than a natural person, be formed and operated in accord-

13 ance with Oregon law.

14 (2) To be issued a temporary facility permit, each applicant must:

- 15 (a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar
- 16 days and in accordance with rules of the board.
- 17 (b) Be 18 years of age or older, if the applicant is a natural person.
- 18 (c) Apply on forms prescribed by the Oregon Health Licensing Agency prior to opening for
- 19 business.

20 (d) Comply with the rules of the board concerning health, safety and infection control.

21 (e) Comply with the applicable health and safety laws and rules of the Oregon Health Authority

22 and any other state agencies.

23 (f) Pay the *[appropriate application and permit fees]* **applicable fees established under section**

24 **4 of this 2013 Act.**

25 (g) If the applicant is an entity other than a natural person, be formed and operated in accord-

26 ance with Oregon law.

27 (3) The agency may *[issue a single facility license to an applicant pursuant to ORS 676.617]* **adopt**

28 **rules for the administration of this section.**

29 (4) A license issued under this section shall confer on a facility owner the right to operate the

30 facility and to advertise the services for which the facility is licensed.

31 **SECTION 39.** ORS 690.057 is amended to read:

32 690.057. (1) To be issued a registration to operate as an independent contractor, each applicant

33 shall:

- 34 (a) Be 18 years of age or older.
- 35 (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection
- 36 control.
- 37 (c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority
- 38 and any other state agencies.

39 (d) Pay the *[required fees]* **applicable fees established under section 4 of this 2013 Act.**

40 (e) Hold an active certificate in good standing.

41 (2) A registration shall confer the right to an independent contractor to advertise and directly

42 offer practitioner services to the public in a licensed facility or a facility operating under a tempo-

43 rary facility permit.

44 **SECTION 40.** ORS 690.105 is amended to read:

45 690.105. (1) A person not certified under ORS 690.048 who wishes to practice, demonstrate and

1 teach a field of practice, or perform a field of practice, temporarily and primarily for educational
 2 purposes and who is otherwise qualified as determined by the Board of Cosmetology shall first ob-
 3 tain a demonstration permit from the Oregon Health Licensing Agency.

4 (2) The permit shall specify:

5 (a) The purpose for which it is granted.

6 (b) The period during which the person is permitted to practice, demonstrate and teach, which
 7 period shall not exceed 30 days.

8 (c) The time and place of exercising the privilege granted by the permit.

9 (3) A person may be granted a permit if the person:

10 (a) Makes application to the agency for the permit.

11 (b) Is currently licensed or certified to practice or teach a field of practice in another state and
 12 presents satisfactory evidence of that fact to the agency, or is otherwise qualified as determined by
 13 the board.

14 (c) Describes the purpose for which the permit is sought.

15 (d) Pays the *[required application and permit fees]* **applicable fees established under section 4**
 16 **of this 2013 Act.**

17 **SECTION 41.** ORS 690.123 is amended to read:

18 690.123. (1) The Oregon Health Licensing Agency may issue a practitioner a freelance *[authori-*
 19 *zation]* **license** to practice outside *[of]* or away from a licensed facility.

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

22 *[(3)]* (2) Practitioners performing services outside *[of]* a licensed facility under the provisions of
 23 a freelance *[authorization]* **license** shall comply with the safety and infection control requirements
 24 under ORS 690.165 and 690.205 and rules adopted by the agency under those statutes.

25 **SECTION 42.** ORS 690.155 is amended to read:

26 690.155. (1) There is established within the Oregon Health Licensing Agency the Board of
 27 Cosmetology consisting of seven members appointed by the Governor. At all times the membership
 28 of the board shall be so constituted that:

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

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

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

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

39 **SECTION 43.** ORS 690.165 is amended to read:

40 690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.235, the
 41 Board of Cosmetology shall have the power to:

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

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

45 (3) Contract for the administration of examinations as part of regional or national examinations

1 and contract with independent testing services for examination administration.

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

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

9 (6) Pursuant to ORS 676.612 and 690.167, direct the agency to suspend, revoke, limit or refuse
 10 to issue or renew certificates, registrations, licenses or permits or impose a period of probationary
 11 activity on the holder [*thereof*].

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

14 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
 15 barbering, esthetics or nail technology.

16 (9) Consult with the agency about the issuance and renewal of a [*single facility license under*
 17 *ORS 676.617*] **license under ORS 690.055** authorizing a facility to provide barbering, esthetics, hair
 18 design or nail technology services.

19 **SECTION 43a.** ORS 345.430 is amended to read:

20 345.430. [*At the request of the Board of Cosmetology,*] The Superintendent of Public Instruction
 21 shall determine whether a person from out-of-state **who is not certified in hair design, barbering,**
 22 **esthetics or nail technology by another state** or **a person from** out-of-country seeking a certif-
 23 icate in hair design, barbering, esthetics or nail technology is qualified to take the test of the Board
 24 of Cosmetology. A determination shall be made by an evaluation of academic transcripts, appren-
 25 ticeship records and work experience documentation. If documentation is not available, the super-
 26 intendent may refer the person to a career school for evaluation and recommendation.

27 **SECTION 43b.** ORS 345.430, as amended by section 37, chapter 104, Oregon Laws 2012, is
 28 amended to read:

29 345.430. [*At the request of the Board of Cosmetology,*] The Higher Education Coordinating Com-
 30 mission shall determine whether a person from out-of-state **who is not certified in hair design,**
 31 **barbering, esthetics or nail technology by another state** or **a person from** out-of-country seek-
 32 ing a certificate in hair design, barbering, esthetics or nail technology is qualified to take the test
 33 of the Board of Cosmetology. A determination shall be made by an evaluation of academic tran-
 34 scripts, apprenticeship records and work experience documentation. If documentation is not avail-
 35 able, the commission may refer the person to a career school for evaluation and recommendation.

36
 37 **BODY PIERCING TECHNICIANS**

38
 39 **SECTION 44.** ORS 690.360 is amended to read:

40 690.360. (1) A person may not:

41 (a) Perform or attempt to perform services in a field of practice without a license to perform
 42 services in that field of practice;

43 (b) Perform or attempt to perform services in a field of practice outside [*of*] a licensed facility;

44 (c) Display a sign or in any way advertise or purport to offer services in a field of practice
 45 without a license to perform services in that field of practice;

1 (d) Operate a facility, display a sign or in any way advertise or purport to offer services in a
 2 field of practice in a facility without a license to operate a facility or a temporary license to operate
 3 a facility;

4 (e) Knowingly make a false statement on an application to obtain or renew a license;

5 (f) Allow an individual in the employ or under the supervision or control of the person to per-
 6 form services in a field of practice without a license to perform services in that field of practice;

7 (g) Sell, barter or offer to sell or barter a document evidencing a license;

8 (h) Purchase or procure by barter a document evidencing a license with intent to use the doc-
 9 ument as evidence of the person's qualification to provide services in a field of practice;

10 (i) Materially alter with fraudulent intent a license or temporary license;

11 (j) Use or attempt to use [*as valid*] a fraudulently obtained, counterfeited or materially altered
 12 license or temporary license; or

13 (k) Use or attempt to use [*as valid*] a fraudulently obtained, counterfeited or materially altered
 14 license or temporary license.

15 (2) ORS 690.350 to 690.415 do not limit, preclude or otherwise interfere with the practice of
 16 other persons or health care providers licensed in this state.

17 (3) Subsection (1)(a), (b) or (d) of this section does not apply to:

18 (a) A student while engaged in training at the direction of and under the direct supervision of
 19 the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice; or

20 (b) An individual self-administering body piercing.

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

22 690.365. (1)(a) The Oregon Health Licensing Agency shall issue a license to perform services in
 23 a field of practice to an applicant who:

24 (A) Shows to the satisfaction of the agency that the applicant:

25 (i) Is at least 18 years of age;

26 (ii) Has a high school diploma or equivalent education; and

27 (iii) Has submitted evidence of completion of education and training prescribed and approved
 28 by the agency;

29 (B) Has passed an examination approved, administered or recognized by the agency; and

30 (C) Pays **the applicable** fees established [*by the agency*] **under section 4 of this 2013 Act.**

31 (b) The agency may issue a temporary license to perform services in a field of practice as pre-
 32 scribed by agency rule.

33 (2)(a) The Oregon Health Licensing Agency shall issue a license to operate a facility to a person
 34 who:

35 (A) Files an application in the form and manner prescribed by the agency;

36 (B) Pays **the applicable** fees established [*by the agency*] **under section 4 of this 2013 Act;** and

37 (C) Complies with other requirements established by the agency by rule.

38 (b) The agency shall conduct periodic inspections of facilities to determine compliance with
 39 safety, infection control and sterilization requirements.

40 (c) A person holding a license to operate a facility must post the license in a conspicuous place
 41 at all times on the premises of the facility.

42 (d) The agency may issue a temporary license to operate a facility in accordance with rules
 43 adopted by the agency.

44 **SECTION 46.** ORS 690.385 is amended to read:

45 690.385. (1) [*Except as provided in subsections (2) and (4) of this section, a license issued under*

1 *ORS 690.365 expires one year from the date of issuance.*] To renew *[the license]* **a license issued**
 2 **under ORS 690.365**, the licensee must submit to the Oregon Health Licensing Agency:

3 (a) A completed renewal application;

4 (b) The *[required]* **applicable** renewal fee **established under section 4 of this 2013 Act**; and

5 (c) Satisfactory evidence of having completed any required continuing education credits on or
 6 before the expiration date of the license as specified by agency rule.

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

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

12 *[(4)] (2)* A temporary license issued under ORS 690.365 expires as established by the agency by
 13 rule. *[A temporary license may not be renewed.]*

14 **SECTION 47.** ORS 690.405 is amended to read:

15 690.405. (1) The Oregon Health Licensing Agency shall:

16 (a) Determine the qualifications, training, education and fitness of applicants for licenses, re-
 17 newal of licenses and reciprocal licenses;

18 (b) Adopt rules as necessary to administer ORS 690.350 to 690.415;

19 (c) Issue, deny, revoke, suspend and renew licenses;

20 (d) Maintain a public record of persons holding licenses;

21 (e) Establish standards of practice and professional responsibility for persons licensed by the
 22 agency to perform services in a field of practice;

23 (f) Select licensing examinations;

24 *[(g) Establish continuing education requirements for renewal of a license;]*

25 *[(h)] (g)* Provide for waivers of examinations as appropriate;

26 *[(i)] (h)* Appoint representatives to conduct or supervise examinations of applicants for
 27 licensure;

28 *[(j)] (i)* Inspect the facilities of persons who perform services in one or more fields of practice;
 29 and

30 *[(k)] (j)* Issue temporary licenses to qualified applicants in accordance with rules adopted by the
 31 agency.

32 (2) Before the agency adopts rules regulating body piercing of genitals or dermal implanting, the
 33 agency shall consult with the Oregon Medical Board to ensure that the rules protect public safety.

34 (3) The agency may consult with the Oregon Medical Board before adopting rules relating to
 35 other body art practices.

36
 37 **DIETITIANS**

38
 39 **SECTION 48.** ORS 691.435 is amended to read:

40 691.435. The Oregon Health Licensing Agency, in consultation with the Board of Licensed
 41 Dietitians, shall issue a dietitian license to an applicant who:

42 (1) Files an application as prescribed by the agency;

43 (2) Pays **the applicable** fees established *[by the agency]* **under section 4 of this 2013 Act**; and

44 (3) Demonstrates to the satisfaction of the agency that the applicant has:

45 (a) Received a baccalaureate or post-baccalaureate degree from a regionally accredited college

1 or university in the United States with a major course of study in human nutrition, dietetics, foods
 2 and nutrition or food systems management approved by the board as meeting the standards for ap-
 3 proval of the course of study under ORS 691.405 to 691.485;

4 (b) Completed a planned, continuous program of dietetic experience approved by the agency of
 5 900 hours under the supervision of a licensed dietitian; and

6 (c) Passed an examination prescribed by the agency.

7 **SECTION 49.** ORS 691.445 is amended to read:

8 691.445. The Oregon Health Licensing Agency, in consultation with the Board of Licensed
 9 Dietitians, may waive the examination requirement and grant a dietitian license to an applicant
 10 who:

11 (1) Files an application as prescribed by the agency;

12 (2) Pays **the applicable** fees established [*by the agency*] **under section 4 of this 2013 Act**; and

13 (3) Presents satisfactory evidence of:

14 (a) Current registration as a dietitian with a credentialing body approved by the board; or

15 (b) Current licensure under the laws of any other state or territory in the United States, if the
 16 requirements for licensure of dietitians in the state or territory in which the applicant is licensed
 17 are not less than those required by ORS 691.405 to 691.485.

18 **SECTION 50.** ORS 691.465 is amended to read:

19 691.465. [*(1) Except as provided in subsections (2) and (3) of this section, a license issued under*
 20 *ORS 691.405 to 691.485 expires one year from the date of issuance.*] To renew [*the license*] **a license**
 21 **issued under ORS 691.405 to 691.485**, the licensee must submit to the Oregon Health Licensing
 22 Agency:

23 [(a)] (1) A completed renewal application;

24 [(b)] (2) The [*required*] **applicable** renewal fee **established under section 4 of this 2013 Act**;
 25 and

26 [(c)] (3) Satisfactory evidence of having completed any required continuing education credits on
 27 or before the expiration date of the license as specified by agency rule.

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

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

33 **SECTION 51.** ORS 691.475 is amended to read:

34 691.475. The Oregon Health Licensing Agency, in consultation with the Board of Licensed
 35 Dietitians, shall:

36 (1) Adopt rules necessary for the administration of ORS 691.405 to 691.485;

37 (2) Issue, deny, revoke, suspend and renew dietitian licenses;

38 (3) Determine the qualifications, training, education and fitness of applicants for licenses, re-
 39 newals of licenses and reciprocal licenses for dietitians;

40 (4) Determine requirements for reciprocity and equivalency for licensed dietetics practice;

41 (5) Establish a code of professional responsibility and standards of practice for licensed
 42 dietitians;

43 (6) Develop, approve or recognize examinations to test an applicant's knowledge relating to
 44 dietitian techniques and methods and any other subjects the board may determine to be necessary
 45 to assess an applicant's fitness to practice as a licensed dietitian; **and**

- 1 (7) Provide for waivers of examinations.[: and]
- 2 [(8) Establish continuing education requirements for renewal of a dietitian license.]

3
4 **HEARING AID SPECIALISTS**

5
6 **SECTION 52.** ORS 694.025 is amended to read:

7 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way ad-
8 vertise or represent that the person deals in hearing aids unless the person holds [*a valid*] **an active**
9 license issued by the Oregon Health Licensing Agency as provided in ORS 694.015 to 694.185.

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

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

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

13 **SECTION 53.** ORS 694.055 is amended to read:

14 694.055. An applicant for licensure under this chapter shall pay [*a fee*] **the applicable fees** es-
15 tablished [*by the Oregon Health Licensing Agency*] under [*ORS 694.185*] **section 4 of this 2013 Act**
16 and shall [*show*] **demonstrate** to the satisfaction of the agency that the applicant:

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

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

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

21 **SECTION 54.** ORS 694.085 is amended to read:

22 694.085. (1) Subject to ORS 676.612, the agency shall grant a hearing aid specialist license to
23 each applicant, without discrimination, who possesses the required training and experience and who
24 satisfactorily passes the examination and pays the [*required fees*] **applicable fees established under**
25 **section 4 of this 2013 Act**. The license is effective for one year following issuance.

26 (2) The agency shall waive the examination required under subsection (1) of this section and
27 grant a license to an applicant who:

28 (a) Is certified by the Educational Service Board of the American Speech-Language-Hearing
29 Association or, if not so certified, satisfies the agency that the applicant possesses equivalent
30 training and education achievements; and

31 (b) Passes an examination related to Oregon law in the area of hearing aid dispensing and pays
32 the [*required*] **applicable fees established under section 4 of this 2013 Act**.

33
34 **SEX OFFENDER THERAPISTS**

35
36 **SECTION 55.** ORS 675.370 is amended to read:

37 675.370. (1) Unless a person has applied for and received certification under ORS 675.375 or
38 675.380, a person may not claim certification as or represent that person to be a:

39 (a) Certified clinical sex offender therapist; or

40 (b) Certified associate sex offender therapist.

41 (2) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex offenders.

42 (3) A person may not:

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

45 (b) Purport to the public to be engaged in the practice of sex offender treatment under the title

1 “clinical sex offender therapist” or “associate sex offender therapist” unless the person possesses
 2 [a valid] **an active** certification under ORS 675.360 to 675.380.

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

7 (5) Each violation of subsections (3) to (5) of this section is a separate violation.

8 **SECTION 56.** ORS 675.375 is amended to read:

9 675.375. (1) To obtain certification as a clinical sex offender therapist or associate sex offender
 10 therapist, an applicant must complete an application developed and prescribed by the Sex Offender
 11 Treatment Board and file a professional disclosure statement with the Oregon Health Licensing
 12 Agency. The documents must be accompanied by [a fee established by the agency] **the applicable fees**
 13 **established under section 4 of this 2013 Act.**

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

16 (a) Clinical sex offender therapist; and

17 (b) Associate sex offender therapist.

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

19 (a) Be in compliance with applicable provisions and rules adopted by the agency;

20 (b) Have at least a master’s degree in the behavioral sciences;

21 (c) Have an active Oregon mental health professional license or equivalent license as determined
 22 by the agency;

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

25 (A) 1,000 hours of direct treatment services; and

26 (B) 500 hours of evaluations; and

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

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

30 (a) Be in compliance with applicable provisions and rules adopted by the agency;

31 (b) Have at least a bachelor’s degree in the behavioral sciences;

32 (c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

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

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

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

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

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

45 [(c) Have completed a minimum of 15 hours continuing education in the field of sex offender

1 *treatment during the preceding year; and]*

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

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

6 **SECTION 57.** ORS 675.380 is amended to read:

7 675.380. Upon receipt of an application and the [*appropriate fees under ORS 675.375*] **applicable**
 8 **fees established under section 4 of this 2013 Act**, the Oregon Health Licensing Agency shall
 9 certify a clinical sex offender therapist or associate sex offender therapist if the applicant provides
 10 evidence to the satisfaction of the agency that the applicant is recognized as a clinical sex offender
 11 therapist or associate sex offender therapist in another state in which the requirements for such
 12 recognition are, in the judgment of the agency, in consultation with the Sex Offender Treatment
 13 Board, at least equivalent to the requirements of ORS 675.360 to 675.410 and rules of the agency.

14 **SECTION 58.** ORS 675.400 is amended to read:

15 675.400. The Sex Offender Treatment Board shall:

16 (1) Determine the qualifications and fitness of applicants for certification as clinical sex offender
 17 therapists or associate sex offender therapists under ORS 675.360 to 675.380.

18 (2) Establish standards of practice and professional responsibility for persons certified by the
 19 Oregon Health Licensing Agency.

20 (3) Adopt standards for training [*and continuing education required under ORS 675.360 to*
 21 *675.380*], including but not limited to training related to the treatment of distinct sex offender pop-
 22 ulations, including adults, juveniles, persons with developmental disabilities and others.

23 (4) Advise the agency on all matters related to administering ORS 675.360 to 675.410 and re-
 24 commend rules, standards and guidelines necessary for the administration of ORS 675.360 to 675.380.

25
 26 **ENVIRONMENTAL HEALTH SPECIALISTS AND**
 27 **WASTE WATER SPECIALISTS**
 28

29 **SECTION 59.** ORS 700.030 is amended to read:

30 700.030. (1) Subject to ORS 676.612, upon application accompanied by payment of [*required fees*]
 31 **the applicable fees established under section 4 of this 2013 Act**, the Oregon Health Licensing
 32 Agency shall issue a registration to any applicant who performs to the satisfaction of the Environ-
 33 mental Health Registration Board on an examination approved by the board and furnishes evidence
 34 satisfactory to the agency that the applicant:

35 (a) Has a bachelor’s degree from an accredited college or university with at least 45 quarter
 36 hours, or the equivalent semester hours, in science courses relating to environmental sanitation and
 37 two years of experience in environmental sanitation under the supervision of a registered environ-
 38 mental health specialist or a person possessing equal qualifications, as determined by the board.
 39 Accumulated schooling relevant to environmental sanitation gained while serving in the United
 40 States Public Health Service or a branch of the Armed Forces of the United States may be credited
 41 toward the educational requirement as evaluated by the current edition of the “Guide to Evaluation
 42 of Educational Experience in the Armed Services,” by the American Council on Education; or

43 (b) Has a graduate degree in public or community health from an accredited college or univer-
 44 sity and one year of experience in environmental sanitation under the supervision of a registered
 45 environmental health specialist or a person possessing equal qualifications, as determined by the

1 board.

2 (2) The agency, in consultation with the board, shall establish by rule requirements for regis-
3 tration as an environmental health specialist when an individual's date of employment precedes at-
4 tainment of registration.

5 **SECTION 60.** ORS 700.035 is amended to read:

6 700.035. (1) Subject to ORS 676.612, upon application and payment of [*required fees*] **the appli-**
7 **cable fees established under section 4 of this 2013 Act**, the Oregon Health Licensing Agency
8 shall issue an environmental health specialist trainee registration to any applicant who performs to
9 the satisfaction of the Environmental Health Registration Board on an examination approved by the
10 board and furnishes evidence satisfactory to the agency that the applicant:

11 (a) Has a bachelor's degree with 45 quarter hours, or the equivalent semester hours, in science
12 courses relating to environmental sanitation from an accredited college or university; or

13 (b) Has at least 15 quarter hours, or the equivalent semester hours, in science courses relating
14 to environmental sanitation from an accredited college or university and has at least five years of
15 experience in environmental sanitation or related activities, as determined by the board, under the
16 supervision of a registered environmental health specialist or a person possessing equal qualifica-
17 tions, as determined by the board.

18 (2) A person may not be registered as an environmental health specialist trainee for more than
19 two years' full-time employment in the environmental sanitation profession, or the equivalent hours
20 if employment in environmental sanitation is less than full-time or 40 hours per week.

21 (3) The agency, in consultation with the board, shall establish by rule requirements for regis-
22 tration as an environmental health specialist trainee when an individual's date of employment pre-
23 cedes attainment of registration.

24 (4) An environmental health specialist trainee shall be supervised by a registered environmental
25 health specialist or a person possessing equal qualifications as determined by the board.

26 **SECTION 61.** ORS 700.050 is amended to read:

27 700.050. (1) Examinations for registration as an environmental health specialist shall be held at
28 least once every year at such time and place as the Oregon Health Licensing Agency may deter-
29 mine. The examination shall be sufficiently thorough to determine the qualifications, fitness and
30 ability of the applicant to practice as an environmental health specialist and may be in the form of
31 written, oral or practical demonstrations of skill. The examination shall cover subject areas deter-
32 mined by the Environmental Health Registration Board by rule.

33 (2) The agency shall notify each applicant whether the applicant passed or failed the examina-
34 tion.

35 (3) Upon written request to the agency, any applicant may discuss performance on the exam-
36 ination.

37 (4) Any applicant who fails to make a passing grade on the examination may be allowed to take
38 the examination a second time upon payment of the [*required fee*] **applicable fee established under**
39 **section 4 of this 2013 Act**. The agency, in consultation with the board, may require the applicant
40 to undergo additional training as determined by the board before taking the examination a third or
41 subsequent time.

42 (5) The agency shall give reasonable notice by mail of the time and place of examination to each
43 applicant accepted for examination.

44 **SECTION 62.** ORS 700.053 is amended to read:

45 700.053. (1) An applicant for registration as a waste water specialist shall submit an application

1 to the Oregon Health Licensing Agency in the manner required by the Environmental Health Reg-
 2 istration Board. The application shall be on a form approved by the agency, include proof satisfac-
 3 tory to the board that the applicant meets the education and experience requirements under
 4 subsection (3) of this section and include payment of *[required fees]* **the applicable fees established**
 5 **under section 4 of this 2013 Act.**

6 (2) The agency shall issue a registration as a waste water specialist to an applicant whose ap-
 7 plication complies with subsection (1) of this section and who successfully completes the examina-
 8 tion required under subsection (5) of this section and passes the examination required under
 9 subsection (6) of this section.

10 (3) An applicant for registration as a waste water specialist is required to have:

11 (a) A bachelor's degree from an accredited college or university, including at least 45 quarter
 12 hours or the equivalent in soil science courses and two years of experience in waste water treat-
 13 ment, disposal and reuse within this state supervised by a registered waste water specialist or by
 14 an equally qualified person as determined by the board;

15 (b) A graduate degree in soil science from an accredited college or university and one year of
 16 experience in waste water treatment, disposal and reuse within this state supervised by a registered
 17 waste water specialist or by an equally qualified person as determined by the board; or

18 (c) A graduate degree in soil science from an accredited college or university and to currently
 19 be certified as a professional soil scientist.

20 (4) Soil science schooling obtained while serving in the United States Public Health Service or
 21 a branch of the Armed Services of the United States may be credited toward the soil science course
 22 requirement under subsection (3)(a) of this section. The board may use any system it considers re-
 23 liable in assigning credit for relevant schooling under this subsection, including but not limited to
 24 assigning credit in conformance with the "Guide to Evaluation of Educational Experience in the
 25 Armed Services" published by the American Council on Education.

26 (5) The board may, at its discretion, conduct an examination of candidates for registration as
 27 waste water specialists. The examination may be on any matter pertaining to the fitness of the ap-
 28 plicant to be registered as a waste water specialist, but may not duplicate matters covered on the
 29 examination required under subsection (6) of this section.

30 (6) Every applicant for registration as a waste water specialist shall be given a written or
 31 practical examination prepared by the board and designed to test the technical competence of the
 32 applicant in all major areas of waste water sanitation.

33 **SECTION 63.** ORS 700.059 is amended to read:

34 700.059. (1) Examinations for registration as a waste water specialist shall be held at least once
 35 every year at such time and place as the Oregon Health Licensing Agency may determine. The
 36 Environmental Health Registration Board shall determine the content of the examination, utilizing
 37 such advisory committees as the board deems necessary.

38 (2) The agency shall notify each applicant whether the applicant passed or failed the examina-
 39 tion.

40 (3) Upon written request to the board, any applicant may discuss performance on the examina-
 41 tion.

42 (4) Any applicant who fails to make a passing grade on the examination may be allowed to take
 43 the examination a second time upon payment of *[required fees]* **the applicable fees established**
 44 **under section 4 of this 2013 Act.** However, any applicant who fails the examination a second time
 45 must obtain special permission from the board to take the examination a third or subsequent time.

1 (5) The agency shall give reasonable notice by mail of the time and place of examination to each
2 applicant accepted for examination.

3 **SECTION 64.** ORS 700.062 is amended to read:

4 700.062. (1) Subject to ORS 676.612, upon application and payment of [*required fees established*
5 *by the Oregon Health Licensing Agency*] **the applicable fees established under section 4 of this**
6 **2013 Act**, the **Oregon Health Licensing Agency** shall issue registration as a waste water specialist
7 trainee to any applicant who furnishes evidence satisfactory to the agency that the applicant:

8 (a) Has a bachelor's degree from an accredited college or university, including at least 45
9 quarter hours or the equivalent in soil science courses; or

10 (b) Has a graduate degree in soil science from an accredited college or university.

11 (2) Soil science schooling obtained while serving in the United States Public Health Service or
12 a branch of the Armed Services of the United States may be credited toward the soil science course
13 requirement under this section. The Environmental Health Registration Board may use any system
14 it considers reliable in assigning credit for relevant schooling under this subsection, including but
15 not limited to assigning credit in conformance with the "Guide to Evaluation of Educational Expe-
16 rience in the Armed Services" published by the American Council on Education.

17
18 **REPEALS**

19
20 **SECTION 65.** ORS 675.405, 676.617, 678.760, 678.775, 680.525, 680.530, 687.435, 688.724,
21 688.728, 688.834, 690.085, 690.095, 690.235, 690.415, 691.479, 694.125, 694.185, 700.080, 700.100 and
22 700.105 are repealed.

23
24 **OPERATIVE DATE**

25
26 **SECTION 66.** (1) Sections 1 to 5 of this 2013 Act, the amendments to statutes by sections
27 6 to 64 of this 2013 Act and the repeal of statutes by section 65 of this 2013 Act become op-
28 erative on January 1, 2014.

29 (2) The Oregon Health Licensing Agency may take any action before the operative date
30 specified in subsection (1) of this section that is necessary to enable the agency to exercise,
31 on and after the operative date specified in subsection (1) of this section, all the duties,
32 functions and powers conferred on the agency by sections 1 to 5 of this 2013 Act, the
33 amendments to statutes by sections 6 to 64 of this 2013 Act and the repeal of statutes by
34 section 65 of this 2013 Act.

35
36 **UNIT CAPTIONS**

37
38 **SECTION 67.** The unit captions used in this 2013 Act are provided only for the conven-
39 ience of the reader and do not become part of the statutory law of this state or express any
40 legislative intent in the enactment of this 2013 Act.

41
42 **EMERGENCY CLAUSE**

43
44 **SECTION 68.** This 2013 Act being necessary for the immediate preservation of the public
45 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect

1 **on its passage.**

2
