

House Bill 3496

Sponsored by Representative HOYLE

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**.

Transfers duties, functions and powers relating to issuance of authorizations and enforcement and certain other duties, functions and powers, from State Board of Psychologist Examiners, Occupational Therapy Licensing Board, State Board of Licensed Social Workers, Oregon Board of Licensed Professional Counselors and Therapists, State Board of Examiners for Speech-Language Pathology and Audiology, State Board of Chiropractic Examiners, Oregon Board of Naturopathic Medicine, Board of Medical Imaging and State Mortuary and Cemetery Board to Oregon Health Licensing Agency.

Provides that boards under and councils within Oregon Health Licensing Agency have final order authority over contested case proceedings.

Becomes operative 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 40.250,
3 40.262, 97.825, 97.931, 97.933, 97.941, 97.948, 97.949, 109.675, 128.640, 146.015, 192.450, 401.651,
4 414.665, 430.010, 431.960, 431.972, 432.005, 432.312, 433.010, 433.035, 433.045, 433.235, 438.220,
5 441.057, 656.005, 656.799, 675.030, 675.050, 675.063, 675.065, 675.070, 675.075, 675.085, 675.087,
6 675.110, 675.115, 675.130, 675.140, 675.150, 675.230, 675.240, 675.250, 675.270, 675.280, 675.290,
7 675.300, 675.320, 675.330, 675.335, 675.336, 675.340, 675.385, 675.510, 675.530, 675.532, 675.533,
8 675.537, 675.540, 675.545, 675.550, 675.560, 675.565, 675.571, 675.580, 675.583, 675.585, 675.595,
9 675.600, 675.715, 675.720, 675.725, 675.735, 675.745, 675.755, 675.765, 675.785, 675.805, 675.825,
10 675.835, 675.990, 675.992, 675.994, 676.110, 676.120, 676.130, 676.150, 676.160, 676.306, 676.350,
11 676.400, 676.410, 676.606, 676.608, 676.609, 676.610, 676.612, 676.613, 676.622, 676.625, 676.992,
12 677.060, 678.725, 678.820, 681.230, 681.260, 681.264, 681.270, 681.285, 681.300, 681.320, 681.325,
13 681.330, 681.340, 681.350, 681.360, 681.420, 681.440, 681.480, 681.490, 681.495, 681.505, 684.040,
14 684.050, 684.054, 684.060, 684.090, 684.092, 684.094, 684.100, 684.105, 684.112, 684.150, 684.155,
15 684.156, 684.160, 684.171, 684.185, 684.190, 684.200, 685.030, 685.070, 685.080, 685.085, 685.091,
16 685.100, 685.102, 685.104, 685.110, 685.112, 685.115, 685.125, 685.135, 685.160, 685.201, 685.205,
17 685.210, 685.220, 685.225, 685.990, 687.490, 688.125, 688.405, 688.415, 688.445, 688.455, 688.485,
18 688.495, 688.505, 688.515, 688.520, 688.525, 688.560, 688.585, 688.595, 688.600, 688.605, 688.915,
19 690.025, 690.167, 692.025, 692.045, 692.105, 692.140, 692.143, 692.146, 692.148, 692.160, 692.170,
20 692.180, 692.190, 692.230, 692.260, 692.265, 692.270, 692.275, 692.320, 692.350, 692.375, 692.385,
21 692.387, 692.389, 743.918 and 743A.168 and section 2, chapter 50, Oregon Laws 2010; repealing
22 ORS 675.597, 681.450, 681.460, 685.195 and 688.557; and declaring an emergency.

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

OVERSIGHT BY OREGON HEALTH LICENSING AGENCY

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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 **SECTION 1.** ORS 676.606 is amended to read:

2 676.606. Pursuant to ORS 676.607, the Oregon Health Licensing Agency shall provide adminis-
3 trative and regulatory oversight and centralized service for the following boards, advisory councils
4 and programs:

5 [(1) *Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;*]

6 [(2) *Board of Cosmetology, as provided in ORS 690.005 to 690.235;*]

7 [(3) *State Board of Denture Technology, as provided in ORS 680.500 to 680.565;*]

8 [(4) *State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;*]

9 [(5) *Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in*
10 *ORS 688.800 to 688.840;*]

11 [(6) *Environmental Health Registration Board, as provided in ORS chapter 700;*]

12 [(7) *Board of Body Art Practitioners, as provided in ORS 690.350 to 690.415;*]

13 [(8) *Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185;*]

14 [(9) *Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;*]

15 [(10) *Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; and*]

16 [(11) *Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485.*]

17 **(1) State Board of Psychologist Examiners, as provided in ORS 675.010 to 675.150;**

18 **(2) Occupational Therapy Licensing Board, as provided in ORS 675.210 to 675.340;**

19 **(3) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;**

20 **(4) State Board of Licensed Social Workers, as provided in ORS 675.510 to 675.600, 675.992**
21 **and 675.994;**

22 **(5) Oregon Board of Licensed Professional Counselors and Therapists, as provided in ORS**
23 **675.715 to 675.835;**

24 **(6) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820;**

25 **(7) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;**

26 **(8) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;**

27 **(9) Board of Medical Imaging, as provided in ORS 688.405 to 688.605 and 688.915;**

28 **(10) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;**

29 **(11) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as pro-**
30 **vided in ORS 688.800 to 688.840;**

31 **(12) Board of Cosmetology, as provided in ORS 690.005 to 690.235;**

32 **(13) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.415;**

33 **(14) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;**

34 **(15) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185;**

35 **(16) State Board of Examiners for Speech-Language Pathology and Audiology, as provided**
36 **in ORS chapter 681;**

37 **(17) State Board of Chiropractic Examiners, as provided in ORS chapter 684;**

38 **(18) Oregon Board of Naturopathic Medicine, as provided in ORS chapter 685;**

39 **(19) State Mortuary and Cemetery Board, as provided in ORS chapter 692; and**

40 **(20) Environmental Health Registration Board, as provided in ORS chapter 700.**

41 **SECTION 2.** ORS 676.610 is amended to read:

42 676.610. (1)(a) The Oregon Health Licensing Agency is under the supervision and control of a
43 director, who is responsible for the performance of the duties, functions and powers and for the or-
44 ganization of the agency.

45 (b) The Director of the Oregon Department of Administrative Services shall establish the qual-

1 ifications for and appoint the Director of the Oregon Health Licensing Agency, who holds office at
 2 the pleasure of the Director of the Oregon Department of Administrative Services.

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

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

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

12 (3) The Director of the Oregon Health Licensing Agency is responsible for carrying out the
 13 duties, functions and powers under ORS **675.010 to 675.150, 675.210 to 675.340**, 675.360 to 675.410,
 14 **675.510 to 675.600, 675.715 to 675.835, 675.992, 675.994**, 676.605 to 676.625, 676.992, 678.710 to
 15 678.820, 680.500 to 680.565, 687.405 to 687.495, 687.895, **688.405 to 688.605**, 688.701 to 688.734, 688.800
 16 to 688.840, **688.915**, 690.005 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185
 17 and ORS [*chapter 700*] **chapters 681, 684, 685, 692 and 700**.

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

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

22 676.613. (1) In addition to all other remedies, when it appears to the Oregon Health Licensing
 23 Agency that a person is engaged in, has engaged in or is about to engage in any act, practice or
 24 transaction that violates any provision of ORS **675.010 to 675.150, 675.210 to 675.340**, 675.360 to
 25 675.410, **675.510 to 675.600, 675.715 to 675.835**, 676.617, 678.710 to 678.820, 680.500 to 680.565, 687.405
 26 to 687.495, **688.405 to 688.605**, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to
 27 690.415, 691.405 to 691.485 or 694.015 to 694.185 or ORS [*chapter 700*] **chapters 681, 684, 685, 692**
 28 **or 700**, the agency may, through the Attorney General or the district attorney of the county in
 29 which the act, practice or transaction occurs or will occur, apply to the court for an injunction re-
 30 straining the person from the act, practice or transaction.

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

34 **SECTION 4.** ORS 676.622 is amended to read:

35 676.622. (1) A transaction conducted through a state or local system or network that provides
 36 electronic access to the Oregon Health Licensing Agency information and services is exempt from
 37 any requirement under ORS **675.010 to 675.150, 675.210 to 675.340**, 675.360 to 675.410, **675.510 to**
 38 **675.600, 675.715 to 675.835**, 676.605 to 676.625, 676.992, 680.500 to 680.565, 687.405 to 687.495, **688.405**
 39 **to 688.605**, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to
 40 691.485 and 694.015 to 694.185 and ORS [*chapter 700*] **chapters 681, 684, 685, 692 and 700**, and rules
 41 adopted thereunder, requiring an original signature or the submission of handwritten materials.

42 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
 43 and have the same force as original signatures.

44 **SECTION 5.** ORS 676.625 is amended to read:

45 676.625. (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees

1 and charges to carry out the agency’s responsibilities under ORS 676.605 to 676.625 and 676.992 and
 2 any responsibility imposed on the agency pertaining to the boards, councils and programs adminis-
 3 tered and regulated by the agency pursuant to ORS 676.606.

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

12 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report
 13 to the Emergency Board prior to adopting fees and charges credited to the account, the fees and
 14 charges may not exceed the cost of administering the agency and the boards, councils and programs
 15 within the agency, as authorized by the Legislative Assembly within the agency’s budget, as the
 16 budget may be modified by the Emergency Board.

17 (4) All moneys credited to the account pursuant to ORS **675.140, 675.330, 675.405, 675.571,**
 18 **675.805,** 676.617, 680.525, **681.480, 684.171, 685.201,** 687.435, **688.585,** 688.728, 688.834, 690.235,
 19 690.415, 691.479, **692.375,** 694.185 and 700.080, and moneys credited to the account from other agency
 20 and program fees established by the agency by rule, are continuously appropriated to the agency for
 21 carrying out the duties, functions and powers of the agency under ORS 676.605 to 676.625 and
 22 676.992.

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

27 **SECTION 6.** ORS 676.992 is amended to read:

28 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
 29 penalty or remedy provided by law, the Oregon Health Licensing Agency may impose a civil penalty
 30 not to exceed \$5,000 for each violation of [*the following statutes and any rule adopted thereunder:*]
 31 **ORS 675.010 to 675.150, 675.210 to 675.340, 675.360 to 675.410, 675.510 to 675.600, 675.715 to**
 32 **675.835, 676.612, 676.617, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 688.405 to**
 33 **688.605, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to**
 34 **691.485 and 694.015 to 694.185, ORS chapters 681, 684, 685, 692 and 700 and any rule adopted**
 35 **under those provisions.**

36 [(a) ORS 688.701 to 688.734 (*athletic training*);]

37 [(b) ORS 690.005 to 690.235 (*cosmetology*);]

38 [(c) ORS 680.500 to 680.565 (*denture technology*);]

39 [(d) ORS 687.405 to 687.495 (*direct entry midwifery*);]

40 [(e) ORS 690.350 to 690.415 (*tattooing, electrolysis, body piercing, dermal implanting and*
 41 *scarification*);]

42 [(f) ORS 694.015 to 694.185 (*dealing in hearing aids*);]

43 [(g) ORS 688.800 to 688.840 (*respiratory therapy and polysomnography*);]

44 [(h) ORS chapter 700 (*environmental sanitation*);]

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

1 [(j) ORS 675.360 to 675.410 (sex offender treatment);]

2 [(k) ORS 678.710 to 678.820 (nursing home administrators);]

3 [(L) ORS 691.405 to 691.485 (dietitians); and]

4 [(m) ORS 676.612 (prohibited acts).]

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

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

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

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

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

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

17 (d) Any other aggravating or mitigating factors.

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

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

24
25 **FINAL ORDER AUTHORITY**

26
27 **SECTION 6a. The Oregon Health Licensing Agency shall delegate final order authority**
28 **in contested case hearings as follows:**

29 (1) **To the State Board of Psychologist Examiners for purposes related to the practice**
30 **of psychology under ORS 675.010 to 675.150;**

31 (2) **To the Occupational Therapy Licensing Board for purposes related to occupational**
32 **therapy under ORS 675.210 to 675.340;**

33 (3) **To the Sex Offender Treatment Board for purposes related to sex offender therapy**
34 **under ORS 675.360 to 675.410;**

35 (4) **To the State Board of Licensed Social Workers for purposes related to social work**
36 **under ORS 675.510 to 675.600, 675.992 and 675.994;**

37 (5) **To the Oregon Board of Licensed Professional Counselors and Therapists for purposes**
38 **related to professional counseling or marriage and family therapy under ORS 675.715 to**
39 **675.835;**

40 (6) **To the Nursing Home Administrators Board for purposes related to nursing home**
41 **administration under ORS 678.710 to 678.820;**

42 (7) **To the State Board of Denture Technology for purposes related to the practice of**
43 **denture technology under ORS 680.500 to 680.565;**

44 (8) **To the State Board of Direct Entry Midwifery for purposes related to the practice of**
45 **direct entry midwifery under ORS 687.405 to 687.495;**

1 (9) To the Board of Medical Imaging for purposes related to medical imaging under ORS
2 688.405 to 688.605 and 688.915;

3 (10) To the Board of Athletic Trainers for purposes related to athletic training under ORS
4 688.701 to 688.734;

5 (11) To the Respiratory Therapist and Polysomnographic Technologist Licensing Board
6 for purposes related to respiratory care and polysomnography under ORS 688.800 to 688.840;

7 (12) To the Board of Cosmetology for purposes related to cosmetology under ORS 690.005
8 to 690.235;

9 (13) To the Board of Body Art Practitioners for purposes related to tattooing, body
10 piercing, electrolysis, dermal implanting or scarification under ORS 690.350 to 690.415;

11 (14) To the Board of Licensed Dietitians for purposes related to the practice of dietetics
12 under ORS 691.405 to 691.485;

13 (15) To the Advisory Council on Hearing Aids for purposes related to dealing in hearing
14 aids under ORS 694.015 to 694.185;

15 (16) To the State Board of Examiners for Speech-Language Pathology and Audiology for
16 purposes related to speech-language pathology or audiology under ORS chapter 681;

17 (17) To the State Board of Chiropractic Examiners for purposes related to the practice
18 of chiropractic under ORS chapter 684;

19 (18) To the Oregon Board of Naturopathic Medicine for purposes related to naturopathic
20 medicine under ORS chapter 685;

21 (19) To the State Mortuary and Cemetery Board for purposes related to services rendered
22 under ORS chapter 692; and

23 (20) To the Environmental Health Registration Board for purposes related to environ-
24 mental or waste water sanitation under ORS chapter 700.

25 **SECTION 6b.** ORS 676.612 is amended to read:

26 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases [*and as specified*
27 *in ORS 675.385, 678.780, 680.535, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and*
28 *700.111*], the Oregon Health Licensing Agency, **subject to section 6a of this 2013 Act**, may refuse
29 to issue or renew, may suspend or revoke or may otherwise condition or limit a certificate, license,
30 permit or registration to practice issued by the agency or may discipline or place on probation a
31 holder of a certificate, license, permit or registration for commission of the prohibited acts listed in
32 subsection (2) of this section.

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

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

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

41 (c) Making a representation that the certificate, license, permit or registration holder knew or
42 should have known is false or misleading regarding skill or the efficacy or value of treatment or
43 remedy administered by the holder.

44 (d) Practicing under a false, misleading or deceptive name, or impersonating another certificate,
45 license, permit or registration holder.

1 (e) Permitting a person other than the certificate, license, permit or registration holder to use
2 the certificate, license, permit or registration.

3 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
4 to the holder of a certificate, license, permit or registration or to the person or property of others
5 in the course of performing the holder's duties.

6 (g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing
7 substances, or engaging in the illegal use of controlled substances or other skill-impairing sub-
8 stances so as to create a risk of harm to the person or property of others in the course of per-
9 forming the duties of a holder of a certificate, license, permit or registration.

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

11 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
12 son to practice a regulated occupation or profession subject to the authority of the boards, councils
13 and programs listed in ORS 676.606.

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

18 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
19 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
20 conviction. A plea of no contest or an admission of guilt shall be considered a conviction for pur-
21 poses of this paragraph.

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

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

29 (n) Violation of any rule regulating an occupation or profession subject to the authority of the
30 boards, councils and programs listed in ORS 676.606.

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

33 (p) Selling or fraudulently obtaining or furnishing any certificate, license, permit or registration
34 to practice in a regulated occupation or profession subject to the authority of the boards, councils
35 and programs listed in ORS 676.606, or aiding or abetting such an act.

36 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
37 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
38 676.606, or aiding or abetting such an act.

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

41 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
42 181.534, the agency may require the fingerprints of a person who is:

43 (a) Applying for a certificate, license, permit or registration that is issued by the agency;

44 (b) Applying for renewal of a certificate, license, permit or registration that is issued by the
45 agency; or

1 (c) Under investigation by the agency.

2 (4) If the agency places a holder of a certificate, license, permit or registration on probation
3 under subsection (1) of this section, the agency, in consultation with the appropriate board, council
4 or program, may determine and at any time modify the conditions of the probation.

5 (5) If a certificate, license, permit or registration is suspended, the holder may not practice
6 during the term of suspension. Upon the expiration of the term of suspension, the certificate, license,
7 permit or registration may be reinstated by the agency if the conditions of suspension no longer
8 exist and the holder has satisfied all requirements in the relevant statutes or administrative rules
9 for issuance, renewal or reinstatement.

10
11 **INVESTIGATIONS BY OREGON HEALTH LICENSING AGENCY**

12
13 **(Disclosure of Information)**

14
15 **SECTION 7. Sections 8 and 9 of this 2013 Act are added to and made a part of ORS 676.605**
16 **to 676.625.**

17 **SECTION 8. (1) Except to the extent that disclosure is necessary to conduct a full and**
18 **proper investigation, the Oregon Health Licensing Agency may not disclose information, in-**
19 **cluding complaints and information identifying complainants, obtained by the agency as part**
20 **of an investigation conducted under:**

21 (a) ORS 675.010 to 675.150, 675.210 to 675.340, 675.360 to 675.410, 675.510 to 675.600, 675.715
22 to 675.835, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 688.405 to 688.605, 688.701
23 to 688.734, 688.800 to 688.840 or 691.405 to 691.485 or ORS chapters 681, 684, 685, 692 or 700.

24 (b) ORS 676.605 to 676.625 if the investigation is related to the regulation of:

25 (A) The practice of psychology under ORS 675.010 to 675.150;

26 (B) Occupational therapy under ORS 675.210 to 675.340;

27 (C) Sex offender therapy under ORS 675.360 to 675.410;

28 (D) Social work under ORS 675.510 to 675.600;

29 (E) Professional counseling or marriage and family therapy under ORS 675.715 to 675.835;

30 (F) Nursing home administration under ORS 678.710 to 678.820;

31 (G) The practice of denture technology under ORS 680.500 to 680.565;

32 (H) The practice of direct entry midwifery under ORS 687.405 to 687.495;

33 (I) Medical imaging under ORS 688.405 to 688.605;

34 (J) Athletic training under ORS 688.701 to 688.734;

35 (K) Respiratory care and polysomnography under ORS 688.800 to 688.840;

36 (L) The practice of dietetics under ORS 691.405 to 691.485;

37 (M) Speech-language pathology or audiology under ORS chapter 681;

38 (N) The practice of chiropractic under ORS chapter 684;

39 (O) Naturopathic medicine under ORS chapter 685;

40 (P) Services rendered under ORS chapter 692; or

41 (Q) Environmental or waste water sanitation under ORS chapter 700.

42 (2) Notwithstanding subsection (1) of this section, if the agency decides not to impose a
43 disciplinary sanction after conducting an investigation described in subsection (1) of this
44 section:

45 (a) The agency shall disclose information obtained as part of the investigation if the

1 person requesting the information demonstrates by clear and convincing evidence that the
 2 public interest in disclosure outweighs other interests in nondisclosure, including the public
 3 interest in nondisclosure.

4 (b) The agency may disclose to a complainant who made a complaint related to the in-
 5 vestigation a written summary of information obtained as part of the investigation to the
 6 extent that disclosure is necessary to explain the agency’s decision. The person who is the
 7 subject of the investigation may review and obtain a copy of a written summary disclosed
 8 under this paragraph after the agency has redacted any information identifying the
 9 complainant.

10 (3) Notwithstanding subsection (1) of this section, if the agency decides to impose a dis-
 11 ciplinary sanction after conducting an investigation described in subsection (1) of this sec-
 12 tion, upon written request by the person who is the subject of the investigation, the agency
 13 shall disclose to the person all information obtained by the agency during the investigation,
 14 except that the agency may not disclose:

15 (a) Information that is otherwise privileged or confidential under state or federal law.

16 (b) Information identifying a person who provided information that led to the investi-
 17 gation, unless the person will provide testimony at a hearing arising out of the investigation.

18 (c) Information identifying a complainant.

19 (d) Reports of expert witnesses.

20 (4) Information disclosed to a person under subsection (3) of this section may be further
 21 disclosed by the person only to the extent that disclosure is necessary to prepare for a
 22 hearing arising out of the investigation.

23 (5) The agency shall disclose:

24 (a) Any notice related to the imposition of a disciplinary sanction;

25 (b) A final order related to the imposition of a disciplinary sanction;

26 (c) An emergency suspension order;

27 (d) A consent order or stipulated agreement that involves the conduct of a person against
 28 whom discipline is sought; and

29 (e) Information to further an investigation into board conduct under ORS 192.685.

30 (6) A final order related to the imposition of a disciplinary sanction, an emergency sus-
 31 pension order or a consent order or stipulated agreement that involves the conduct of a
 32 person against whom discipline is sought must summarize the factual basis for the agency’s
 33 disposition of the matter.

34 (7) An agency record or order, or any part of an agency record or order, obtained during
 35 an investigation described under subsection (1) of this section or during a contested case
 36 proceeding, or as a result of entering into a consent order or stipulated agreement, is not
 37 admissible as evidence and may not preclude an issue or claim in a civil proceeding except
 38 in a proceeding between the agency and a person against whom discipline is sought as oth-
 39 erwise allowed by law.

40 (8)(a) Notwithstanding subsection (1) of this section, the agency does not publicly disclose
 41 information when the agency permits other public officials and members of the press to at-
 42 tend executive sessions where information obtained as part of an investigation is discussed.
 43 Public officials and members of the press attending such executive sessions shall not disclose
 44 information obtained as part of an investigation to any other member of the public.

45 (b) For purposes of this subsection, “public official” means a member or member-elect,

1 or any member of the staff or an employee, of a public entity as defined by ORS 676.177.

2 (9) The agency may establish fees reasonably calculated to reimburse the actual cost of
 3 disclosing information to a person against whom discipline is sought as required by sub-
 4 section (3) of this section.

5 **SECTION 9.** (1) Notwithstanding section 8 of this 2013 Act, the Oregon Health Licensing
 6 Agency, upon a determination by the agency that it possesses information that reasonably
 7 relates to the regulatory or enforcement function of another public entity, may disclose in-
 8 formation to the other public entity.

9 (2) A public entity that receives information pursuant to subsection (1) of this section
 10 must agree to take all reasonable steps to maintain the confidentiality of the information,
 11 except that the public entity may use or disclose the information to the extent necessary to
 12 carry out the regulatory or enforcement functions of the public entity.

13 (3) For purposes of this section, “public entity” has the meaning given that term in ORS
 14 676.177.

15 **SECTION 10.** ORS 676.609 is amended to read:

16 676.609. *[(1) If the Oregon Health Licensing Agency intends to disclose a record pursuant to ORS*
 17 *676.608, the agency shall:]*

18 *[(a) Send a notice of the intended disclosure to the person who is the subject of a complaint or an*
 19 *investigation by first class mail at least 14 days before the disclosure date; and]*

20 *[(b) Describe in the notice the type of record being disclosed in sufficient detail to allow the person*
 21 *who is the subject of a complaint or an investigation to understand the contents of the record that the*
 22 *agency intends to disclose.]*

23 *[(2) The agency shall disclose information obtained as part of an investigation of a person charged*
 24 *if another person requesting the information demonstrates by clear and convincing evidence that the*
 25 *public interest in disclosure outweighs other interests in nondisclosure, including but not limited to the*
 26 *public interest in nondisclosure.]*

27 (1) Upon request, the Oregon Health Licensing Agency shall disclose to a person against
 28 whom disciplinary action is sought information, including complaints and information iden-
 29 tifying complainants, but not including information that is otherwise privileged or confiden-
 30 tial under state or federal law, obtained by the agency as part of an investigation conducted
 31 under:

32 (a) ORS 690.005 to 690.235, 690.350 to 690.415 or 694.015 to 694.185.

33 (b) ORS 676.605 to 676.625 if the investigation is related to the regulation of:

34 (A) ORS 690.005 to 690.235;

35 (B) ORS 690.350 to 690.415; or

36 (C) ORS 694.015 to 694.185.

37 (2) The agency shall disclose information obtained as part of an investigation described
 38 in subsection (1) of this section to a person who demonstrates by clear and convincing evi-
 39 dence that the public interest in disclosure outweighs other interests in nondisclosure, in-
 40 cluding the public interest in nondisclosure.

41
 42 (Investigations)

43
 44 **SECTION 11.** ORS 676.608 is amended to read:

45 676.608. *[(1) As used in this section:]*

1 *[(a) "Holder" means a person who holds a certificate, license, permit or registration to practice is-*
 2 *sued by the Oregon Health Licensing Agency.]*

3 *[(b) "Public entity" has the meaning given that term in ORS 676.177.]*

4 *[(2)(a)] (1)(a) The **Oregon Health Licensing Agency** shall carry out all investigatory duties*
 5 ***relating to matters subject to the authority of the agency or the boards, councils and pro-***
 6 ***grams listed in ORS 676.606.***

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

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

12 *[(3)] (2) While conducting an investigation authorized under subsection [(2)] (1) of this section*
 13 *or a hearing related to an investigation, the agency may:*

14 (a) Take evidence;

15 (b) Administer oaths;

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

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

18 (e) Require answers to interrogatories;

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

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

23 *[(4)] (3) In exercising its authority under this section, the agency may issue subpoenas over the*
 24 *signature of the Director of the Oregon Health Licensing Agency or designated employee [thereof]*
 25 ***of the director** and in the name of the State of Oregon.*

26 *[(5)] (4) If a person fails to comply with a subpoena issued under this section, the judge of the*
 27 *Circuit Court for Marion County may compel obedience by initiating proceedings for contempt as*
 28 *in the case of disobedience of the requirements of a subpoena issued from the court.*

29 *[(6)] (5) If necessary, the director, or an employee designated by the director, may appear before*
 30 *a magistrate empowered to issue warrants in criminal cases to request that the magistrate issue a*
 31 *warrant. The magistrate shall issue a warrant, directing it to any sheriff or deputy or police officer,*
 32 *to enter the described property, to remove any person or obstacle, to defend any threatened violence*
 33 *to the director or a designee of the director or an officer, upon entering private property, or to as-*
 34 *assist the director in enforcing the agency's authority in any way.*

35 *[(7) In all investigations and hearings, the agency and any person affected thereby may have the*
 36 *benefit of counsel.]*

37 *[(8) If a holder who is the subject of a complaint or an investigation is to appear before the agency,*
 38 *the agency shall provide the holder with a current summary of the complaint or the matter being in-*
 39 *vestigated not less than 10 days before the date that the holder is to appear. At the time the summary*
 40 *of the complaint or the matter being investigated is provided, the agency shall provide the holder with*
 41 *a current summary of documents or alleged facts that the agency has acquired as a result of the in-*
 42 *vestigation. The name of the complainant may be withheld from the holder.]*

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

1 [(10) Except in an investigation or proceeding conducted by the agency or another public entity, or
 2 in an action, suit or proceeding in which a public entity is a party, a holder may not be questioned or
 3 examined regarding any communication with the agency made in an appearance before the agency as
 4 part of an investigation.]

5 [(11) This section does not prohibit examination or questioning of a holder regarding records about
 6 the holder's care and treatment of a patient or affect the admissibility of those records.]

7 **(6) Except for purposes of complying with ORS 694.036 and 694.042, the person who is the**
 8 **subject of an investigation described under ORS 676.609 (1), or a person who is acting on**
 9 **behalf of the subject, may not contact a complainant whose complaint is related to the in-**
 10 **vestigation until the subject has requested a contested case hearing and the agency has au-**
 11 **thorized the taking of the complainant's deposition under ORS 183.425.**

12
 13 **(Conforming Amendments for Boards Currently**
 14 **under Oregon Health Licensing Agency Oversight)**
 15

16 **SECTION 12.** ORS 675.385 is amended to read:

17 675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and [*at the direc-*
 18 *tion of*] **in consultation with** the Sex Offender Treatment Board, the Oregon Health Licensing
 19 Agency may impose a form of discipline listed in ORS 676.612 against any certified sex offender
 20 therapist for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS
 21 675.360 to 675.410, or the rules adopted thereunder.

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

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

26 (b) The person's mental health professional license, or equivalent license, has been revoked,
 27 suspended or restricted by the issuing authority.

28 (c) The person has violated ORS 675.370 (3) to (5), or any rules adopted by the agency pertaining
 29 to certification.

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

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

33 **SECTION 13.** ORS 678.725 is amended to read:

34 678.725. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health
 35 information prohibit disclosure, any health care facility licensed under ORS 441.015, any licensee
 36 licensed by the Oregon Health Licensing Agency, any physician licensed by the Oregon Medical
 37 Board, any licensed professional nurse and any licensed pharmacist shall report to the agency sus-
 38 pected violations of ORS 678.710 to 678.820 and unsanitary or other unsatisfactory conditions in a
 39 nursing home.

40 (b) Unless state or federal laws relating to confidentiality or the protection of health information
 41 prohibit disclosure, a licensee licensed under ORS 678.710 to 678.820 who has reasonable cause to
 42 believe that a licensee of any board as defined in ORS 676.150 has engaged in prohibited conduct
 43 as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS
 44 676.150.

45 (c) Any person may report to the agency suspected violations of ORS 678.710 to 678.820 or un-

1 sanitary conditions in a nursing home.

2 *[(2) Information acquired by the agency pursuant to subsection (1) of this section is confidential*
 3 *and is not subject to public disclosure.]*

4 *[(3)]* (2) Any person who reports or provides information to the agency under subsection (1) of
 5 this section and who provides information in good faith may not be subject to an action for civil
 6 damages as a result of making the report or providing the information.

7 **SECTION 14.** ORS 678.820 is amended to read:

8 678.820. (1) The Nursing Home Administrators Board is responsible for advising the Oregon
 9 Health Licensing Agency in all matters relating to the administration of ORS 678.710 to 678.820,
 10 including:

11 (a) Developing standards for education and training;

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

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

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

17 (e) Assisting the agency in administering the provisions of ORS 678.710 to 678.820.

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

19 (a) Determining the qualifications and fitness of applicants for licenses, renewed licenses, re-
 20 ciprocal licenses and provisional licenses under ORS 678.710 to 678.820.

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

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

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

26 (e) *[Pursuant to ORS 676.608, receiving and]* Investigating complaints *[filed]* regarding nursing
 27 home administrators.

28 (f) Establishing and collecting fees and charges to carry out the agency's duties under ORS
 29 678.710 to 678.820.

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

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

33 (3) The agency shall consider and be guided by the recommendations of the board in all matters
 34 relating to the administration of ORS 678.710 to 678.820.

35 **SECTION 15.** ORS 687.490 is amended to read:

36 687.490. *[(1) Any information provided to the State Board of Direct Entry Midwifery or the Oregon*
 37 *Health Licensing Agency under ORS 687.445 is confidential and is not subject to public disclosure or*
 38 *admissible as evidence in any judicial proceeding.]*

39 *[(2) Any person who in good faith provides information to the board or the agency is not subject*
 40 *to an action for civil damages as a result thereof.]*

41 **A person who in good faith provides information to the State Board of Direct Entry**
 42 **Midwifery or the Oregon Health Licensing Agency for purposes related to an investigation**
 43 **conducted under ORS 676.605 to 676.625, if the investigation is related to the regulation of**
 44 **direct entry midwifery, or ORS 687.405 to 687.495 is not subject to an action for civil damages**
 45 **as a result of providing the information.**

SECTION 16. ORS 690.167 is amended to read:

690.167. In the manner prescribed in ORS chapter 183 for contested cases [*and at the direction of the Board of Cosmetology*], the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person practicing barbering, hair design, esthetics or nail technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted thereunder.

STATE BOARD OF PSYCHOLOGIST EXAMINERS

(Transfer)

SECTION 17. The duties, functions and powers of the State Board of Psychologist Examiners relating to the responsibilities listed in ORS 676.607 (1) and reflected in the amendments to statutes by sections 24 to 36 of this 2013 Act are imposed upon, transferred to and vested in the Oregon Health Licensing Agency.

(Records, Property, Employees)

SECTION 18. (1) The State Board of Psychologist Examiners shall:

(a) Deliver to the Oregon Health Licensing Agency all records and property within the jurisdiction of the board that relate to the duties, functions and powers transferred by section 17 of this 2013 Act; and

(b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 17 of this 2013 Act.

(2) The Director of the Oregon Health Licensing Agency shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 17 of this 2013 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the State Board of Psychologist Examiners and the Oregon Health Licensing Agency relating to transfers of records, property and employees under this section, and the Governor's decision is final.

(Unexpended Revenues)

SECTION 19. (1) The State Board of Psychologist Examiners Account is abolished.

(2) The unexpended balances of amounts authorized to be expended by the State Board of Psychologist Examiners for the biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 17 of this 2013 Act are transferred to and are available for expenditure by the Oregon Health Licensing Agency for the biennium beginning July 1, 2013, for the purpose of administering and enforcing the duties, functions and powers transferred by section 17 of this 2013 Act.

(3) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the State Board of Psychologist Examiners remain applicable to expenditures

1 by the Oregon Health Licensing Agency under this section.

2
3 (Action, Proceeding, Prosecution)
4

5 **SECTION 20.** The transfer of duties, functions and powers to the Oregon Health Licens-
6 ing Agency by section 17 of this 2013 Act does not affect any action, proceeding or prose-
7 cution involving or with respect to such duties, functions and powers begun before and
8 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
9 substituted for the State Board of Psychologist Examiners in the action, proceeding or
10 prosecution.

11
12 (Liability, Duty, Obligation)
13

14 **SECTION 21.** (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
15 gation accruing under or with respect to the duties, functions and powers transferred by
16 section 17 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
17 lection or enforcement of any such liability, duty or obligation.

18 (2) The rights and obligations of the State Board of Psychologist Examiners legally in-
19 curred under contracts, leases and business transactions executed, entered into or begun
20 before the operative date of section 17 of this 2013 Act accruing under or with respect to the
21 duties, functions and powers transferred by section 17 of this 2013 Act are transferred to the
22 Oregon Health Licensing Agency. For the purpose of succession to these rights and obli-
23 gations, the Oregon Health Licensing Agency is a continuation of the State Board of Psy-
24 chologist Examiners and not a new authority.

25
26 (Rules)
27

28 **SECTION 22.** Notwithstanding the transfer of duties, functions and powers by section 17
29 of this 2013 Act, the rules of the State Board of Psychologist Examiners with respect to such
30 duties, functions or powers that are in effect on the operative date of section 17 of this 2013
31 Act continue in effect until superseded or repealed by rules of the Oregon Health Licensing
32 Agency. References in such rules of the State Board of Psychologist Examiners to the State
33 Board of Psychologist Examiners or an officer or employee of the State Board of Psychol-
34 ogist Examiners are considered to be references to the Oregon Health Licensing Agency or
35 an officer or employee of the Oregon Health Licensing Agency.

36 **SECTION 23.** Whenever, in any uncodified law or resolution of the Legislative Assembly
37 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
38 the context of the duties, functions and powers transferred by section 17 of this 2013 Act,
39 reference is made to the State Board of Psychologist Examiners, or an officer or employee
40 of the State Board of Psychologist Examiners, whose duties, functions or powers are trans-
41 ferred by section 17 of this 2013 Act, the reference is considered to be a reference to the
42 Oregon Health Licensing Agency or an officer or employee of the Oregon Health Licensing
43 Agency who by this 2013 Act is charged with carrying out such duties, functions and powers.

44
45 (Amendments to Statutes)

1 **SECTION 24.** ORS 675.030, as amended by section 4, chapter 43, Oregon Laws 2012, is amended
 2 to read:

3 675.030. (1) Upon application for licensure accompanied by the established fee, the [*State Board*
 4 *of Psychologist Examiners*] **Oregon Health Licensing Agency** shall issue a psychologist license to
 5 an applicant who performs to the satisfaction of the [*board*] **State Board of Psychologist Exam-**
 6 **iners** in examinations prescribed by the board and furnishes evidence satisfactory to the [*board*]
 7 **agency** that the applicant:

8 (a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable
 9 rules of the board;

10 (b) Holds a doctoral degree in psychology from an approved doctoral program in psychology;

11 (c) Has satisfactorily completed courses and training required by the board;

12 (d) Has had two years of supervised employment in the field of psychology:

13 (A) Under the direction of a psychologist licensed in Oregon or under the direction of a person
 14 considered by the board to have equivalent supervisory competence; or

15 (B) In the military; and

16 (e) Is of good moral character. For purposes of this section, the lack of good moral character
 17 may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct
 18 that would cause a reasonable person to have substantial doubts about the individual's honesty,
 19 fairness and respect for the rights of others and for the laws of the state and the nation. The con-
 20 duct or acts in question must be rationally connected to the applicant's fitness to practice psychol-
 21 ogy.

22 (2) The board shall adopt rules by which a person receiving post-doctoral supervision during the
 23 application process may enter into a contract to practice psychology under the supervision of a li-
 24 censed psychologist, psychologist associate or a person considered by the board to have equivalent
 25 supervisory competence. An applicant who enters such a contract shall be designated as a psy-
 26 chologist resident or a psychologist associate resident, accordingly, and shall be subject to ORS
 27 675.010 to 675.150.

28 **SECTION 25.** ORS 675.050 is amended to read:

29 675.050. (1) Upon application for licensure accompanied by the established fee, the [*State Board*
 30 *of Psychologist Examiners*] **Oregon Health Licensing Agency** may issue a license, without national
 31 examination, to any applicant who furnishes evidence satisfactory to the [*board*] **agency** that the
 32 applicant:

33 (a) Holds a doctoral degree from an approved doctoral program in psychology and is licensed
 34 or certified to practice psychology in another state in which the requirements for such licensing or
 35 certification are, in the judgment of the [*board*] **agency**, essentially equivalent to licensing require-
 36 ments of ORS 675.010 to 675.150 and the rules of the [*board*] **State Board of Psychologist Exam-**
 37 **iners**;

38 (b) Is a diplomate in good standing of the American Board of Professional Psychology;

39 (c) Is licensed in a jurisdiction that is a party to a licensing reciprocity agreement with the
 40 State of Oregon and meets the requirements for reciprocity in the agreement;

41 (d) Possesses a valid Certificate of Professional Qualification granted by the Association of State
 42 and Provincial Psychology Boards or is credentialed as a Health Service Provider in Psychology by
 43 the National Register of Health Service Providers in Psychology; or

44 (e)(A) Possesses and has maintained for at least 15 years a license to practice psychology that
 45 is based on a doctoral degree and that is issued by a board that is a member jurisdiction of the

1 Association of State and Provincial Psychology Boards; and

2 (B) Meets other requirements established by the State Board of Psychologist Examiners.

3 (2) The State Board of Psychologist Examiners shall adopt by rule and administer an examina-
4 tion on Oregon law to an applicant described in subsection (1) of this section.

5 **SECTION 26.** ORS 675.063 is amended to read:

6 675.063. Upon application therefor and payment of the required fee, the [*State Board of Psy-*
7 *chologist Examiners*] **Oregon Health Licensing Agency** may issue a limited permit to practice as
8 a psychologist to an applicant holding a certificate or license to practice psychology issued by an-
9 other state whose requirements are, in the judgment of the [*board*] **agency**, essentially equivalent
10 to those required by ORS 675.010 to 675.150 **and rules adopted by the State Board of Psychol-**
11 **ogist Examiners**. The limited permit shall be valid for a period of not more than 180 calendar days
12 in any 24-month period.

13 **SECTION 27.** ORS 675.065 is amended to read:

14 675.065. (1) The [*State Board of Psychologist Examiners*] **Oregon Health Licensing Agency**
15 shall issue psychologist associate licenses to applicants who meet requirements of this section, do
16 not possess a doctoral degree, and are deemed competent, **as established by the State Board of**
17 **Psychologist Examiners by rule**, to perform certain functions within the practice of psychology
18 under the periodic direct supervision of a psychologist licensed by the [*board*] **agency**. Such func-
19 tions may include but are not restricted to administering tests of mental abilities, conducting per-
20 sonality assessments and counseling, including educational and vocational planning.

21 (2) The applicant shall pay to the [*board*] **agency** the application fee for a license.

22 (3) Upon petition by a psychologist associate, the **agency, upon recommendation of the**
23 board, may grant authority to function without immediate supervision.

24 (4) Upon application therefor accompanied by the fee established by the board, the [*board*]
25 **agency** shall issue a psychologist associate license to any applicant who performs to the satisfaction
26 of the board in the examinations prescribed by the board if the [*board*] **agency** determines that the
27 applicant:

28 (a) Is of good moral character;

29 (b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

30 (c) Has received a master's degree in psychology from a psychology program approved by the
31 board by rule;

32 (d) Has completed an internship in an approved educational institution or one year of other
33 training experience [*acceptable to*] **as established by the board by rule**, such as supervised profes-
34 sional experience under the direction of a psychologist licensed in Oregon, or under the direction
35 of a person considered by the [*board*] **agency** to have equivalent supervisory competence; and

36 (e) Furnishes proof acceptable to the [*board*] **agency** of at least 36 months, exclusive of
37 internship, of full-time experience satisfactory to the [*board*] **agency** under the direct supervision
38 of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the
39 [*board*] **agency** to have equivalent supervisory competence.

40 **SECTION 28.** ORS 675.070 is amended to read:

41 675.070. (1) Where any of the grounds [*enumerated*] in subsection (2) of this section exist, the
42 [*State Board of Psychologist Examiners*] **Oregon Health Licensing Board, in addition to the**
43 **sanctions described in ORS 676.612**, may impose any of the following sanctions:

44 (a) Deny a license to any applicant;

45 (b) Refuse to renew the license of any psychologist or psychologist associate;

1 (c) Suspend the license of any psychologist or psychologist associate for a period of not less than
 2 one year;

3 (d) Issue a letter of reprimand;

4 (e) Impose probation with authority to restrict the scope of practice of a psychologist or psy-
 5 chologist associate or require practice under supervision;

6 (f) Revoke the license of any psychologist or psychologist associate; or

7 (g) Impose a civil penalty as set forth in subsection (3) of this section.

8 (2) Grounds exist for imposition of any of the sanctions *[enumerated]* in subsection (1) of this
 9 section against any psychologist or psychologist associate or applicant, or, where applicable, any
 10 unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the
 11 *[board]* **agency**, the person:

12 (a) Has an impairment as defined in ORS 676.303;

13 (b) Has been convicted of violation of any law relating to controlled substances;

14 (c) Has been convicted of any felony or of any misdemeanor involving moral turpitude;

15 (d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psy-
 16 chology which includes but is not limited to:

17 (A) Any conduct or practice contrary to recognized standard of ethics of the psychological
 18 profession or any conduct or practice that constitutes a danger to the health or safety of a patient
 19 or the public, or any conduct, practice or condition that adversely affects a psychologist or psy-
 20 chologist associate's ability to practice psychology safely and skillfully.

21 (B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary
 22 treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent
 23 with the standard of care, or otherwise ordering or performing any psychological service or treat-
 24 ment which is contrary to recognized standards of practice of the psychological profession;

25 (e) Has practiced or attempted to practice medicine without being licensed to do so;

26 (f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or ma-
 27 terial misrepresentation;

28 (g) Has impersonated a licensed psychologist or psychologist associate or has allowed another
 29 person to use the license of the psychologist;

30 (h) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of pro-
 31 fessional conduct formulated under ORS 675.110 *[(12)]* **(1)(d)**; or

32 (i) Has obtained a fee or payment from a patient or third party payer through fraud or inten-
 33 tional misrepresentation.

34 (3) *[The board]* **In addition to any other remedy or penalty authorized by law, the agency**
 35 may impose a civil penalty under subsection (1) of this section:

36 (a) In an amount not to exceed \$5,000; or

37 (b) In an amount not to exceed \$10,000, if any of the following conditions exist:

38 (A) The conduct giving rise to the penalty had a serious detrimental effect on the health or
 39 safety of another person;

40 (B) The person subject to the penalty has a history of discipline for the same or similar conduct;

41 (C) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;

42 (D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person
 43 or a person with a disability; or

44 (E) The person subject to the penalty violated ORS 675.020 by practicing psychology or repre-
 45 senting that the person is a psychologist without having a license.

1 (4) In case of any conviction required under subsection (2) of this section as grounds for denial,
 2 refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy
 3 of the record of the conviction shall be conclusive evidence.

4 (5) The [board] **agency** may license an applicant or renew or restore any license suspended or
 5 revoked under subsection (2)(a) of this section due to a mental health condition if the [board] **agency**
 6 determines that the applicant or former licensed psychologist or former psychologist associate no
 7 longer has an impairment due to a mental health condition.

8 (6) License suspension or revocation in another state is grounds for license denial or discipli-
 9 nary action by the [board] **agency**.

10 **SECTION 29.** ORS 675.075 is amended to read:

11 675.075. (1) Any information that the **Oregon Health Licensing Agency obtains under ORS**
 12 **675.070 or the** State Board of Psychologist Examiners obtains under ORS [675.070 or] 675.085 is
 13 confidential as provided under [ORS 676.175] **section 8 of this 2013 Act.**

14 (2) Any person who in good faith provides information to the **agency or board** shall not be
 15 subject to an action for civil damages as a result thereof.

16 **SECTION 30.** ORS 675.085 is amended to read:

17 675.085. (1) Upon receipt of a complaint under ORS 675.010 to 675.150, the State Board of Psy-
 18 chologist Examiners shall **report the complaint to the Oregon Health Licensing Agency and the**
 19 **agency shall** conduct an investigation as described under ORS 676.165.

20 (2) Where the [board] **agency** proposes to refuse to issue a license or to impose any disciplinary
 21 action under ORS 675.070, opportunity for hearing shall be accorded as provided in ORS chapter 183.
 22 The [board] **agency** shall render its decision within 30 days after the hearing.

23 [(3) *Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and*
 24 *orders shall be as provided in ORS chapter 183.*]

25 **SECTION 31.** ORS 675.087 is amended to read:

26 675.087. The lapse, suspension or revocation of a license issued under ORS 675.010 to 675.150
 27 by the operation of law, by order of the [State Board of Psychologist Examiners] **Oregon Health**
 28 **Licensing Agency** or by the decision of a court of law, or the voluntary surrender of a license by
 29 a licensee, does not deprive the [board] **agency** of jurisdiction to proceed with any investigation of
 30 or any action or disciplinary proceeding against the licensee or to revise or render null and void
 31 an order suspending or revoking the license.

32 **SECTION 32.** ORS 675.110 is amended to read:

33 675.110. (1) The State Board of Psychologist Examiners shall have the following powers, in ad-
 34 dition to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers
 35 necessary or proper to carry the granted powers into effect:

36 [(1)] (a) To determine qualifications of applicants to practice psychology in this state;

37 (b) To cause to have examinations prepared, conducted and graded [and to grant licensing to
 38 qualified applicants upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules
 39 of the board].

40 [(2) *To grant or deny renewal of licenses, and to renew licenses which have lapsed for nonpayment*
 41 *of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.*]

42 [(3) *To suspend or revoke licenses, subject to ORS 675.010 to 675.150.*]

43 [(4) *To issue letters of reprimand, to impose probationary periods with the authority to restrict the*
 44 *scope of practice of a licensed psychologist or to require practice under supervision.*]

45 [(5) *To impose civil penalties as provided in ORS 675.070.*]

1 [(6) *To restore licenses which have been suspended or revoked or voided by nonpayment of the re-*
 2 *newal fee.*]

3 [(7)(a) *To collect fees for application, examination and licensing of applicants, for renewal of li-*
 4 *censes, and for issuance of limited permits, such fees to be used to defray the expenses of the board*
 5 *as provided in ORS 675.140.*]

6 [(b) *The board may collect a delinquent renewal fee for licenses renewed after the deadline for re-*
 7 *newal but before the grace period for renewal has expired.*]

8 [(8) *To investigate alleged violations of ORS 675.010 to 675.150.*]

9 [(9) *To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affir-*
 10 *mations to witnesses, conduct hearings, require the production of relevant documents in all proceedings*
 11 *pertaining to the duties and powers of the board.*]

12 [(10)] (b) [*To enforce ORS 675.010 to 675.150 and*] To exercise general supervision over the
 13 practice of psychology in this state.

14 [(11)] (c) To adopt a common seal.

15 [(12)] (d) To formulate a code of professional conduct for the practice of psychology giving
 16 particular consideration to the Ethical Standards of Psychologists promulgated by the American
 17 Psychological Association.

18 [(13)] (e) To establish standards of service and training and educational qualifications for the
 19 rendering of ethical psychological services in this state, including the formulation of standards for
 20 the issuance of licenses for areas of special competence.

21 [(14)] (f) To formulate [*and enforce*] continuing education requirements for duly licensed psy-
 22 chologists to ensure the highest quality of professional services to the public.

23 [(15) *To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the*
 24 *renewal fee, unless the applicant completes, or provides documentation of previous completion of:*]

25 [(a) *A pain management education program approved by the board and developed in conjunction*
 26 *with the Pain Management Commission established under ORS 413.570; or]*

27 [(b) *An equivalent pain management education program, as determined by the board.*]

28 [(16) *For the purpose of requesting a state or nationwide criminal records check under ORS*
 29 *181.534, to require the fingerprints of a person who is:*]

30 [(a) *Applying for a license that is issued by the board;*]

31 [(b) *Applying for renewal of a license that is issued by the board; or]*

32 [(c) *Under investigation by the board.*]

33 [(17)] (g) Subject to the applicable provisions of ORS chapter 183, to adopt **fees and** reasonable
 34 rules to carry out the provisions of ORS 675.010 to 675.150.

35 **(2) The Oregon Health Licensing Agency shall have the following powers in addition to**
 36 **powers otherwise granted under ORS 675.010 to 675.150 or necessary to carry out the**
 37 **agency's duties under ORS 675.010 to 675.150:**

38 (a) **To grant licenses to qualified applicants upon compliance with the provisions of ORS**
 39 **675.010 to 675.150 and the rules of the board.**

40 (b) **To grant or deny renewal of licenses, and to renew licenses that have lapsed for**
 41 **nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.**

42 (c) **To suspend or revoke licenses, subject to ORS 675.010 to 675.150.**

43 (d) **To issue letters of reprimand, to impose probationary periods with the authority to**
 44 **restrict the scope of practice of a licensed psychologist or to require practice under super-**
 45 **vision.**

1 (e) To impose civil penalties as provided in ORS 675.070.

2 (f) To restore licenses that have been suspended or revoked or voided by nonpayment of
3 the renewal fee.

4 (g) To collect fees for application, examination and licensing of applicants, for renewal
5 of licenses, and for issuance of limited permits.

6 (h) To collect a delinquent renewal fee for licenses renewed after the deadline for renewal
7 but before the grace period for renewal has expired.

8 (i) To investigate alleged violations of ORS 675.010 to 675.150.

9 (j) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment
10 of the renewal fee, unless the applicant completes, or provides documentation of previous
11 completion of:

12 (A) A pain management education program approved by the board and developed in con-
13 junction with the Pain Management Commission established under ORS 413.570; or

14 (B) An equivalent pain management education program, as determined by the board.

15 **SECTION 33.** ORS 675.115 is amended to read:

16 675.115. Subject to prior approval of the Oregon Department of Administrative Services and a
17 report to the Emergency Board prior to adopting the fees [*and charges*], the fees [*and charges es-*
18 *established*] **adopted** under ORS 675.110 shall not exceed the cost of administering [*the regulatory*
19 *program of the State Board of Psychologist Examiners pertaining to the purpose for which the fee or*
20 *charge is established, as authorized by the Legislative Assembly within the board's budget, as the*
21 *budget may be modified by the Emergency Board*] **675.010 to 675.150.**

22 **SECTION 34.** ORS 675.130 is amended to read:

23 675.130. (1) The State Board of Psychologist Examiners shall select one of its members as
24 chairperson, and another as vice chairperson, for such terms and with such powers and duties nec-
25 essary for the performance of the functions of such offices as the board shall determine.

26 (2) A majority of the board constitutes a quorum for the transaction of business.

27 (3) The board shall meet at least once a year at a place, day and hour determined by the board.
28 The board shall also meet at such other times and places as are specified by the call of the chair-
29 person, or of a majority of the members of the board or of the Governor.

30 (4) The executive director of the board shall maintain records of all board proceedings under
31 ORS 675.010 to 675.150.

32 (5) The executive director shall maintain a register of all living psychologists licensed under
33 ORS 675.010 to 675.150, showing their names, their last-known business addresses, their last-known
34 residential addresses, and the dates and numbers of their licenses. **The Oregon Health Licensing**
35 **Agency shall provide the executive director with all information necessary for the adminis-**
36 **tration of this subsection.**

37 **SECTION 35.** ORS 675.140 is amended to read:

38 675.140. [*On or before the 10th day of each month, the State Board of Psychologist Examiners shall*
39 *pay into the State Treasury all moneys received by the board during the preceding calendar month.*
40 *The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account.*
41 *The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to*
42 *the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to*
43 *675.150.*]

44 (1) **The Oregon Health Licensing Agency shall collect fees related to the administration**
45 **of ORS 675.010 to 675.150.**

1 2013 Act are transferred to and are available for expenditure by the Oregon Health Licensing
 2 Agency for the biennium beginning July 1, 2013, for the purpose of administering and en-
 3 forcing the duties, functions and powers transferred by section 37 of this 2013 Act.

4 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
 5 expenditures by the Occupational Therapy Licensing Board remain applicable to expenditures
 6 by the Oregon Health Licensing Agency under this section.

7
 8 (Action, Proceeding, Prosecution)

9
 10 **SECTION 40.** The transfer of duties, functions and powers to the Oregon Health Licens-
 11 ing Agency by section 37 of this 2013 Act does not affect any action, proceeding or prose-
 12 cution involving or with respect to such duties, functions and powers begun before and
 13 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
 14 substituted for the Occupational Therapy Licensing Board in the action, proceeding or pros-
 15 ecution.

16
 17 (Liability, Duty, Obligation)

18
 19 **SECTION 41.** (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
 20 gation accruing under or with respect to the duties, functions and powers transferred by
 21 section 37 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
 22 lection or enforcement of any such liability, duty or obligation.

23 (2) The rights and obligations of the Occupational Therapy Licensing Board legally in-
 24 curred under contracts, leases and business transactions executed, entered into or begun
 25 before the operative date of section 37 of this 2013 Act accruing under or with respect to the
 26 duties, functions and powers transferred by section 37 of this 2013 Act are transferred to the
 27 Oregon Health Licensing Agency. For the purpose of succession to these rights and obli-
 28 gations, the Oregon Health Licensing Agency is a continuation of the Occupational Therapy
 29 Licensing Board and not a new authority.

30
 31 (Rules)

32
 33 **SECTION 42.** Notwithstanding the transfer of duties, functions and powers by section 37
 34 of this 2013 Act, the rules of the Occupational Therapy Licensing Board with respect to such
 35 duties, functions or powers that are in effect on the operative date of section 37 of this 2013
 36 Act continue in effect until superseded or repealed by rules of the Oregon Health Licensing
 37 Agency. References in such rules of the Occupational Therapy Licensing Board to the Oc-
 38 cupational Therapy Licensing Board or an officer or employee of the Occupational Therapy
 39 Licensing Board are considered to be references to the Oregon Health Licensing Agency or
 40 an officer or employee of the Oregon Health Licensing Agency.

41 **SECTION 43.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 42 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 43 the context of the duties, functions and powers transferred by section 37 of this 2013 Act,
 44 reference is made to the Occupational Therapy Licensing Board, or an officer or employee
 45 of the Occupational Therapy Licensing Board, whose duties, functions or powers are trans-

1 **ferred by section 37 of this 2013 Act, the reference is considered to be a reference to the**
 2 **Oregon Health Licensing Agency or an officer or employee of the Oregon Health Licensing**
 3 **Agency who by this 2013 Act is charged with carrying out such duties, functions and powers.**

4
 5 (Amendments to Statutes)

6
 7 **SECTION 44.** ORS 675.230 is amended to read:

8 675.230. Any person desiring to be licensed as an occupational therapist or occupational therapy
 9 assistant shall apply in writing to the [*Occupational Therapy Licensing Board*] **Oregon Health Li-**
 10 **icensing Agency** in the form and manner provided by the [*board*] **agency**. Each application shall
 11 include or be accompanied by evidence, satisfactory to the [*board*] **agency**, that the applicant pos-
 12 sesses the qualifications prescribed in ORS 675.240 **and applicable rules of the Occupational**
 13 **Therapy Licensing Board** for applicants for [*licensing*] **licensure** as an occupational therapist, or
 14 in ORS 675.250 **and applicable rules of the board** for applicants for [*licensing*] **licensure** as an
 15 occupational therapy assistant.

16 **SECTION 44a.** ORS 675.240, as amended by section 5, chapter 43, Oregon Laws 2012, is
 17 amended to read:

18 675.240. (1) Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to
 19 675.340 as an occupational therapist must:

20 (a) Have successfully completed an educational program in occupational therapy recognized by
 21 the Occupational Therapy Licensing Board, with concentration in biological or physical science,
 22 psychology and sociology, and with education in selected manual skills.

23 (b) Pass to the satisfaction of the board an examination adopted by the board to determine the
 24 fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as
 25 provided in ORS 675.270.

26 (c) Have successfully completed at least six months of supervised field work that complies with
 27 rules adopted by the board.

28 (d) Comply with continuing education requirements as adopted by the board by rule.

29 (e) If an applicant has been unlicensed for more than three years, complete a board-approved
 30 reentry program or retake the board-approved national examination to determine fitness for practice
 31 as an occupational therapist.

32 (2) An applicant meets the requirements of subsection (1)(c) of this section if the applicant pro-
 33 vides the [*board*] **Oregon Health Licensing Agency** with documentation of military experience that
 34 the **agency, in accordance with rules adopted by the board**, determines is substantially equivalent
 35 to the experience required by subsection (1)(c) of this section.

36 **SECTION 44b.** ORS 675.250, as amended by section 6, chapter 43, Oregon Laws 2012, is
 37 amended to read:

38 675.250. (1) Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to
 39 675.340 as an occupational therapy assistant shall:

40 (a) Be at least 18 years of age.

41 (b) Have successfully completed the academic requirements of an educational program for oc-
 42 cupational therapy assistants recognized by the Occupational Therapy Licensing Board.

43 (c) Pass an examination approved by the board to determine the fitness of the applicant for
 44 practice as an occupational therapy assistant.

45 (d) Have successfully completed at least two months of supervised field work that complies with

1 rules adopted by the board.

2 (e) Comply with continuing education requirements as adopted by the board by rule.

3 (f) If an applicant has been unlicensed for more than three years, complete a board-approved
4 reentry program or retake the board-approved national examination to determine fitness for practice
5 as an occupational therapy assistant.

6 (2) An applicant meets the requirements of subsection (1)(b) or (d) of this section if the applicant
7 provides the *[board]* **Oregon Health Licensing Agency** with documentation of military training or
8 experience that the **agency, in accordance with rules adopted by the board**, determines is sub-
9 stantially equivalent to the education or experience required by subsection (1)(b) or (d) of this sec-
10 tion.

11 **SECTION 45.** ORS 675.270 is amended to read:

12 675.270. (1) The *[Occupational Therapy Licensing Board]* **Oregon Health Licensing Agency** may
13 license without examination any person who applies and meets the requirements under ORS 675.210
14 to 675.340 **and applicable rules of the Occupational Therapy Licensing Board**, and:

15 (a) Is currently certified as an occupational therapist registered (O.T.R.) or certified occupa-
16 tional therapy assistant (C.O.T.A.) by the National Board for Certification in Occupational Therapy;
17 or

18 (b) Presents proof of current licensure as an occupational therapist or occupational therapy as-
19 sistant in another state, the District of Columbia, or territory of the United States that requires
20 standards for licensure considered by the Occupational Therapy Licensing Board to be equivalent
21 to the requirements for licensure under ORS 675.210 to 675.340.

22 (2) Each applicant under this section shall pay a license fee **to the agency**, in an amount es-
23 tablished by the board, at the time of filing an application under this section.

24 **SECTION 46.** ORS 675.280 is amended to read:

25 675.280. Licenses issued under ORS 675.210 to 675.340 *[shall]* expire on May 31 of even-numbered
26 years. The *[Occupational Therapy Licensing Board]* **Oregon Health Licensing Agency** shall license
27 any person who meets the requirements of ORS 675.210 to 675.340 **and applicable rules of the**
28 **Occupational Therapy Licensing Board** upon payment of a license fee in an amount established
29 by the board. The *[board]* **agency** shall issue a certificate to each person licensed. The certificate
30 shall be prima facie evidence of the right of the person to whom it is issued to purport to be a li-
31 censed occupational therapist or occupational therapy assistant subject to the provisions of ORS
32 675.210 to 675.340. The certificate shall be posted in a conspicuous place on the premises of the
33 occupational therapy employer.

34 **SECTION 47.** ORS 675.290 is amended to read:

35 675.290. Each licensed occupational therapist or occupational therapy assistant shall apply to
36 the *[Occupational Therapy Licensing Board]* **Oregon Health Licensing Agency** prior to the expira-
37 tion of a license for a renewal of a license. Each applicant for renewal of a license shall pay a re-
38 newal fee, in an amount established by the **Occupational Therapy Licensing Board**, at the time
39 of filing a renewal application. Any license that is not renewed before June 1 of even-numbered
40 years, or before such date as may be specified by board rule, shall automatically lapse. The *[board]*
41 **agency** may revive and renew any lapsed license upon payment to it of a delinquent fee in the
42 amount of \$50. However, late renewal of a license may not be granted more than three years after
43 its expiration.

44 **SECTION 48.** ORS 675.300 is amended to read:

45 675.300. (1) *[The Occupational Therapy Licensing Board]* **In addition to the sanctions described**

1 **in ORS 676.612, the Oregon Health Licensing Agency** may deny, suspend, revoke or refuse to
 2 renew a license **applied for or issued under ORS 675.210 to 675.340** or may impose probationary
 3 conditions where *[the licensee or applicant has]* **an applicant for licensure or a person licensed**
 4 **under ORS 675.210 to 675.340 has:**

5 (a) Committed unprofessional conduct as defined by the standards established by the **Occupational Therapy Licensing**
 6 **Board;**

7 (b) Obtained or attempted to obtain a license by means of fraud, misrepresentation or
 8 concealment of material facts;

9 (c) Violated any provision of ORS 675.210 to 675.340 or any order or rule adopted by the board;
 10 or

11 (d) Committed gross negligence or incompetence in the performance of professional duties.

12 (2) The *[board]* **agency** may suspend or revoke the license of any person licensed under ORS
 13 675.210 to 675.340 if the licensee has an impairment as defined in ORS 676.303.

14 (3) When the *[board]* **agency** proposes to refuse to issue or renew a license or proposes to re-
 15 voke or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

16 (4) Judicial review of orders under subsection (3) of this section shall be conducted in accord-
 17 ance with ORS chapter 183.

18 (5) Information that the *[board]* **agency** obtains as part of an investigation into licensee or ap-
 19 plicant conduct or as part of a contested case proceeding, consent order or stipulated agreement
 20 involving licensee or applicant conduct is confidential as provided under *[ORS 676.175]* **section 8**
 21 **of this 2013 Act.**

22 **SECTION 49.** ORS 675.320 is amended to read:

23 675.320. (1) The Occupational Therapy Licensing Board shall have the following powers in ad-
 24 dition to powers otherwise granted under ORS 675.210 to 675.340 or necessary to carry out *[the*
 25 *provisions of]* **the board's duties under** ORS 675.210 to 675.340:

26 *[(1)]* (a) To organize and elect from its membership a chairperson and vice chairperson, each of
 27 whom shall hold office for one year or until the election and qualification of a successor.

28 *[(2)]* To authorize all necessary disbursements to carry out the provisions of ORS 675.210 to
 29 675.340, including, but not limited to, payment for necessary supplies, office equipment and investi-
 30 gations and such other expenditures as provided for in ORS 675.210 to 675.340.]

31 *[(3)]* To suspend, revoke or invalidate licenses for nonpayment of renewal fees.]

32 *[(4)]* To restore licenses that have been suspended, revoked or voided.]

33 *[(5)]* (b) To adopt license and license renewal fees under ORS 675.270, 675.280 and 675.290. The
 34 fees must be approved by the Oregon Department of Administrative Services and may not exceed
 35 the cost of administering ORS 675.210 to 675.340.

36 *[(6)]* To collect license applications and renewal fees.]

37 *[(7)]* To investigate alleged violations of ORS 675.210 to 675.340.]

38 *[(8)]* (c) To *[enforce the provisions of ORS 675.210 to 675.340 and]* generally supervise the prac-
 39 tice of occupational therapy in this state.

40 *[(9)]* (d) To *[make and enforce]* **adopt** rules in accordance with ORS chapter 183 for the proce-
 41 dure of the board and for regulating the practice of occupational therapy not inconsistent with the
 42 provisions of ORS 675.210 to 675.340.

43 *[(10)]* (e) To establish minimum requirements for continuing education to be complied with by
 44 all licensees under ORS 675.210 to 675.340.

45 *[(11)]* (f) To establish minimum requirements for limited permit to be complied with by all ap-

1 plicants prior to issuance of limited permit. A limited permit shall be issued to a person at the dis-
 2 cretion of the board upon application and payment of a permit fee of \$25 **to the Oregon Health**
 3 **Licensing Agency.**

4 [(12)] (g) To establish official abbreviations that may be used, under ORS 675.220 (1), by persons
 5 licensed as occupational therapists or occupational therapy assistants.

6 [(13)] (h) To establish minimum requirements for supervised field work necessary for applicants
 7 under ORS 675.240 or 675.250.

8 [(14)] (i) To adopt rules that define the scope of the practice of occupational therapy and that
 9 reflect national standards for the practice of occupational therapy.

10 **(2) The agency shall have the following powers in addition to powers otherwise granted**
 11 **under ORS 675.210 to 675.340 or necessary to carry out the agency’s duties under ORS 675.210**
 12 **to 675.340:**

13 **(a) To authorize all necessary disbursements to carry out the provisions of ORS 675.210**
 14 **to 675.340, including, but not limited to, payment for necessary supplies, office equipment and**
 15 **investigations and such other expenditures as provided for in ORS 675.210 to 675.340.**

16 **(b) To suspend, revoke or invalidate licenses for nonpayment of renewal fees.**

17 **(c) To restore licenses that have been suspended, revoked or voided.**

18 **(d) To collect license applications and renewal fees.**

19 **(e) To investigate alleged violations of ORS 675.210 to 675.340.**

20 **SECTION 50.** ORS 675.330 is amended to read:

21 675.330. (1) [*The Occupational Therapy Licensing Board Account is established in the State*
 22 *Treasury, separate and distinct from the General Fund.*] All moneys received by the [*Occupational*
 23 *Therapy Licensing Board*] **Oregon Health Licensing Agency** under ORS 675.210 to 675.340 shall
 24 be deposited into the **Oregon Health Licensing Agency** Account and are continuously appropriated
 25 to the [*board*] **agency** to be used [*only*] for the administration and enforcement of ORS 675.210 to
 26 675.340 and 675.990 (2). Any interest or other income from moneys in the account shall be credited
 27 to the account.

28 (2) All civil penalties collected or received for violations of or in prosecutions under ORS
 29 675.210 to 675.340 shall be deposited into the [*Occupational Therapy Licensing Board*] account and
 30 shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

31 **SECTION 51.** ORS 675.335 is amended to read:

32 675.335. (1) Upon the complaint of any citizen of this state, or upon its own motion, the [*Occu-*
 33 *ational Therapy Licensing Board*] **Oregon Health Licensing Agency** may investigate any alleged
 34 violation of ORS 675.210 to 675.340. **Upon receipt of a complaint under ORS 675.210 to 675.340,**
 35 **the Occupational Therapy Licensing Board shall report the complaint to the agency.** The
 36 [*board*] **agency** shall conduct an investigation as described under ORS 676.165.

37 [(2) *In the conduct of investigations, the board may:*]

38 [(a) *Take evidence;*]

39 [(b) *Take the depositions of witnesses, including the person charged, in the manner provided by law*
 40 *in civil cases;*]

41 [(c) *Compel the appearance of witnesses, including the person charged, before the board in person*
 42 *the same as in civil cases;*]

43 [(d) *Require answers to interrogatories;*]

44 [(e) *Compel the production of books, papers, accounts, documents and testimony pertaining to the*
 45 *matter under investigation; and*]

1 [(f) Issue subpoenas.]

2 (2) Any information the agency or board obtains under this section is confidential as
3 provided under section 8 of this 2013 Act.

4 SECTION 52. ORS 675.336 is amended to read:

5 675.336. (1) In addition to any other liability or penalty provided by law, the [Occupational
6 Therapy Licensing Board] Oregon Health Licensing Agency may impose a civil penalty on a per-
7 son who violates the provisions of ORS 675.210 to 675.340 in an amount not to exceed \$1,000 for
8 each violation.

9 (2) The [board] agency shall impose civil penalties under this section in the manner provided
10 by ORS 183.745.

11 (3) All penalties recovered under this section shall be paid into the [Occupational Therapy Li-
12 censing Board Account established in ORS 675.330] Oregon Health Licensing Agency Account and
13 shall be used [only] for the administration and enforcement of ORS 675.210 to 675.340.

14 SECTION 53. ORS 675.340 is amended to read:

15 675.340. The district attorney shall prosecute all persons charged with violations of any of the
16 provisions of ORS 675.210 to 675.340 and 675.990 (2). The Director[, under the direction of the Occu-
17 pational Therapy Licensing Board,] of the Oregon Health Licensing Agency shall aid the district
18 attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2).

19
20 STATE BOARD OF LICENSED SOCIAL WORKERS

21 (Transfer)

22
23 SECTION 54. The duties, functions and powers of the State Board of Licensed Social
24 Workers relating to the responsibilities listed in ORS 676.607 (1) and reflected in the
25 amendments to statutes by sections 61 to 76 of this 2013 Act are imposed upon, transferred
26 to and vested in the Oregon Health Licensing Agency.

27
28 (Records, Property, Employees)

29
30 SECTION 55. (1) The State Board of Licensed Social Workers shall:

31 (a) Deliver to the Oregon Health Licensing Agency all records and property within the
32 jurisdiction of the board that relate to the duties, functions and powers transferred by sec-
33 tion 54 of this 2013 Act; and

34 (b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily
35 in the exercise of the duties, functions and powers transferred by section 54 of this 2013 Act.

36 (2) The Director of the Oregon Health Licensing Agency shall take possession of the re-
37 cords and property, and shall take charge of the employees and employ them in the exercise
38 of the duties, functions and powers transferred by section 54 of this 2013 Act, without re-
39 duction of compensation but subject to change or termination of employment or compen-
40 sation as provided by law.

41 (3) The Governor shall resolve any dispute between the State Board of Licensed Social
42 Workers and the Oregon Health Licensing Agency relating to transfers of records, property
43 and employees under this section, and the Governor's decision is final.

44
45 (Unexpended Revenues)

1 (a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable
 2 rules of the [board] **State Board of Licensed Social Workers**;

3 (b) Holds a master’s degree in social work from a college or university accredited by an ac-
 4 crediting organization recognized by the board;

5 (c) Has completed the equivalent of two years of full-time experience in the field of clinical so-
 6 cial work in accordance with rules of the board;

7 (d) Has satisfactorily completed the requirements for certification as a clinical social work as-
 8 sociate under ORS 675.537; and

9 (e) If required under ORS 675.535, has passed the written examination for licensure as a clinical
 10 social worker.

11 (3) The board shall adopt rules relating to the clinical experience required under subsection
 12 (2)(c) of this section after consultation with persons active in the field of clinical social work. The
 13 rules may allow for including experience obtained in the course of the study of social work as part
 14 of the clinical experience required under subsection (2)(c) of this section.

15 **SECTION 63.** ORS 675.532 is amended to read:

16 675.532. (1) If an applicant for initial registration as a baccalaureate social worker has complied
 17 with the requirements of this section and has paid the fee under ORS 675.571, the [*State Board of*
 18 *Licensed Social Workers*] **Oregon Health Licensing Agency** shall register the applicant as a
 19 baccalaureate social worker. Upon registration, the [board] **agency** shall issue notice of the regis-
 20 tration to the applicant.

21 (2) An applicant for registration as a baccalaureate social worker shall submit evidence satis-
 22 factory to the [board] **agency** that the applicant:

23 (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600
 24 and the applicable rules of the [board] **State Board of Licensed Social Workers**;

25 (b) Holds a bachelor’s degree in social work from a college or university accredited by an ac-
 26 crediting organization recognized by the board; and

27 (c) If required under ORS 675.535, has passed the written examination for registration as a
 28 baccalaureate social worker.

29 **SECTION 64.** ORS 675.533 is amended to read:

30 675.533. (1) If an applicant for initial licensure as a master’s social worker has complied with
 31 the requirements of this section and has paid the fee under ORS 675.571, the [*State Board of Licensed*
 32 *Social Workers*] **Oregon Health Licensing Agency** shall issue a license to the applicant.

33 (2) An applicant for licensure as a master’s social worker shall submit evidence satisfactory to
 34 the [board] **agency** that the applicant:

35 (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600
 36 and the applicable rules of the [board] **State Board of Licensed Social Workers**;

37 (b) Holds a master’s degree in social work from a college or university accredited by an ac-
 38 crediting organization recognized by the board; and

39 (c) If required under ORS 675.535, has passed the written examination for licensure as a master’s
 40 social worker.

41 **SECTION 65.** ORS 675.537 is amended to read:

42 675.537. (1) If an applicant for initial certification as a clinical social work associate has com-
 43 plied with the requirements of this section and has paid the fee under ORS 675.571, the [*State Board*
 44 *of Licensed Social Workers*] **Oregon Health Licensing Agency** shall certify the applicant. Upon
 45 certification, the [board] **agency** shall issue a certificate to the applicant.

1 (2) An applicant for certification as a clinical social work associate shall submit evidence sat-
 2 isfactory to the [board] **agency** that the applicant:

3 (a) Has complied with all applicable provisions of ORS 675.510 to 675.600 and the applicable
 4 rules of the [board] **State Board of Licensed Social Workers**;

5 (b) Holds a master's degree in social work from a college or university accredited by an ac-
 6 crediting organization recognized by the board; and

7 (c) Has developed a plan approved by the **agency, based on rules adopted by the board**, for
 8 completion of practice and supervision requirements as defined by the rules of the board.

9 **SECTION 66.** ORS 675.540 is amended to read:

10 675.540. (1) [*The State Board of Licensed Social Workers*] **In addition to the sanctions de-**
 11 **scribed in ORS 676.612, the Oregon Health Licensing Agency** may impose any or all of the
 12 sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the
 13 provisions of ORS chapter 183 relating to a contested case, that a regulated social worker:

14 (a) Has been convicted in this or any other state of a crime that is a felony in this state;

15 (b) Has been convicted of a felony in a federal court;

16 (c) Is unable to perform the practice of social work by reason of physical illness;

17 (d) Has an impairment as defined in ORS 676.303;

18 (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social
 19 work; or

20 (f) Has violated any provision of ORS 675.510 to 675.600 or any rule adopted under ORS 675.600.

21 (2) Pursuant to the provisions of subsection (1) of this section, the [board] **agency** may:

22 (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work
 23 issued under ORS 675.510 to 675.600.

24 (b) Place a regulated social worker on probation and impose conditions or limits on the scope
 25 of practice of a regulated social worker.

26 (c) Impose, **in addition to any other penalty provided by law**, a civil penalty not to exceed
 27 \$3,000 for each violation.

28 (3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to
 29 practice regulated social work does not deprive the [board] **agency** of jurisdiction to proceed with
 30 any investigation of, or any action or disciplinary proceedings against, the regulated social worker.

31 (4) Information that the [board] **agency** obtains as part of an investigation into the conduct of
 32 a regulated social worker or an applicant for an authorization to practice regulated social work or
 33 as part of a contested case proceeding, consent order or stipulated agreement involving the conduct
 34 of a regulated social worker or applicant, is confidential as provided under [*ORS 676.175*] **section**
 35 **8 of this 2013 Act.**

36 (5) Subject to the provisions of ORS chapter 183 relating to a contested case, the [board] **agency**
 37 may impose, **in addition to any other penalty provided by law**, a civil penalty in an amount up
 38 to \$5,000 upon proof that, after a person's authorization to practice regulated social work has been
 39 revoked by the [board] **agency**, the person has:

40 (a) Engaged in the practice of clinical social work; or

41 (b) Represented that the person is a regulated social worker.

42 **SECTION 67.** ORS 675.545 is amended to read:

43 675.545. To safeguard the people of the State of Oregon from the dangers of unqualified and
 44 improper practice of social work, a regulated social worker whose authorization to practice regu-
 45 lated social work has been revoked by the [*State Board of Licensed Social Workers*] **Oregon Health**

1 **Licensing Agency** may not:

2 (1) Engage in or offer to engage in the practice of clinical social work.

3 (2) Represent that the person is a regulated social worker by using any title, words or abbrevi-
4 ations that indicate that the person has an authorization to practice regulated social work.

5 **SECTION 68.** ORS 675.550 is amended to read:

6 675.550. If the [*State Board of Licensed Social Workers*] **Oregon Health Licensing Agency** has
7 revoked or refused to reissue or renew an authorization to practice regulated social work, the
8 [*board*] **agency** may reissue the authorization after one year from the date of the revocation or the
9 date the reissuance or renewal was refused.

10 **SECTION 69.** ORS 675.560 is amended to read:

11 675.560. (1) An authorization to practice regulated social work granted by the [*State Board of*
12 *Licensed Social Workers*] **Oregon Health Licensing Agency** under ORS 675.510 to 675.600 is effec-
13 tive when the authorization is issued by the [*board*] **agency**.

14 (2) An authorization to practice regulated social work granted by the [*board*] **agency** expires
15 on the date established by the [*board*] **State Board of Licensed Social Workers** by rule.

16 (3) The board shall adopt rules setting forth requirements for renewal of a baccalaureate social
17 worker registration and renewal of a master's social worker license.

18 (4) A clinical social work associate certified by the [*board*] **agency** under ORS 675.537 may re-
19 new the certification by:

20 (a) Payment of the renewal fee established under ORS 675.571; and

21 (b) Submission of a sworn statement by the associate, on a form provided by the [*board*]
22 **agency**, that demonstrates to the [*board's*] **agency's** satisfaction that satisfactory progress is being
23 made toward completion of the associate's adopted supervisory plan.

24 (5) A clinical social worker licensed under ORS 675.530 may renew the license by:

25 (a) Payment of the renewal fee established under ORS 675.571; and

26 (b) Submission of a sworn statement by the applicant, on a form provided by the [*board*]
27 **agency**, that the applicant:

28 (A) Has completed applicable continuing education requirements established by the board under
29 ORS 675.565; and

30 (B) Is unaware of any reason for denial of the renewal.

31 **SECTION 69a.** ORS 675.565 is amended to read:

32 675.565. (1) The State Board of Licensed Social Workers may establish by rule continuing edu-
33 cation requirements for the renewal of authorizations to practice regulated social work.

34 (2) The board may [*require*] **adopt rules requiring that** applicants for renewal of authorization
35 to practice regulated social work to submit **to the Oregon Health Authority** evidence of com-
36 pletion of continuing education requirements as a condition of renewal in order to ensure the high-
37 est quality of professional services to the public.

38 **SECTION 70.** ORS 675.571 is amended to read:

39 675.571. (1) The State Board of Licensed Social Workers **shall adopt, and the Oregon Health**
40 **Licensing Agency** shall collect, fees for:

41 (a) Examination and reexamination.

42 (b) An initial authorization to practice regulated social work.

43 (c) Renewal of an authorization to practice regulated social work.

44 (d) Delinquent renewal of an authorization to practice regulated social work.

45 (2) Fees collected under subsection (1) of this section shall be deposited in the [*State Board of*

1 *Licensed Social Workers Account established under ORS 675.597* **Oregon Health Licensing Agency**
 2 **Account** and shall be used to defray the expenses of [*the board*] **administering and enforcing ORS**
 3 **675.510 to 675.600.**

4 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report
 5 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
 6 under this section may not exceed the cost of administering [*the regulatory program pertaining to the*
 7 *purpose for which the fee or charge is established, as authorized by the Legislative Assembly within*
 8 *the budget of the State Board of Licensed Social Workers, as the budget may be modified by the*
 9 *Emergency Board*] **and enforcing ORS 675.510 to 675.600.**

10 (4) The [*State Board of Licensed Social Workers may impose*] **board may adopt, and the agency**
 11 **may impose**, a delinquent renewal fee for an authorization to practice regulated social work if the
 12 application for renewal is not filed and accepted by the renewal date established by the board by
 13 rule, but is filed and accepted within 30 days of the renewal date. An authorization to practice
 14 regulated social work is lapsed if an application for renewal is not filed and accepted within 30 days
 15 of the renewal date.

16 (5) Fees collected under this section are nonrefundable.

17 **SECTION 71.** ORS 675.580 is amended to read:

18 675.580. (1) A regulated social worker or any employee of the regulated social worker may not
 19 disclose any communication given by a client in the course of noninvestigatory professional activity
 20 when the communication was given to enable the regulated social worker to aid the client, except
 21 when:

22 (a) The client or a person legally responsible for the client's affairs gives consent to the dis-
 23 closure;

24 (b) The client initiates legal action or makes a complaint against the regulated social worker
 25 to the State Board of Licensed Social Workers **or the Oregon Health Licensing Agency;**

26 (c) The [*board*] **agency** requests the information as part of an investigation or proceeding;

27 (d) The communication reveals a clear intent to commit a crime that reasonably is expected to
 28 result in physical injury to a person;

29 (e) The communication reveals that a minor was the victim of a crime, abuse or neglect;

30 (f) Disclosure of the communication is necessary to obtain further professional assistance for the
 31 client; or

32 (g) Disclosure of the communication is otherwise required by ORS 124.060, 419B.010 or 430.765.

33 (2) Nothing in this section is intended to prevent a regulated social worker who is a public
 34 employee from disclosing communications from a client when the disclosure is made in the per-
 35 formance of the regulated social worker's duty as a public employee and the public employer has
 36 determined that the disclosure is necessary in the performance of the duty of the regulated social
 37 worker as a public employee.

38 **SECTION 72.** ORS 675.583 is amended to read:

39 675.583. (1) Unless state or federal laws relating to confidentiality or the protection of health
 40 information prohibit disclosure, a regulated social worker shall report to the State Board of Li-
 41 censed Social Workers any information the regulated social worker has that appears to show that
 42 a regulated social worker is or may be an impaired professional as defined in ORS 676.185, or may
 43 have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the
 44 extent that disclosure does not conflict with the requirements of ORS 675.580.

45 (2) A regulated social worker shall report any prohibited conduct as defined in ORS 676.150 in

1 the manner provided in ORS 676.150.

2 (3) Notwithstanding [*ORS 676.175*] **sections 8 and 9 of this 2013 Act**, any information that the
3 board obtains pursuant to subsection (1) of this section is confidential and may not be disclosed
4 except **as authorized under ORS 676.150** or as provided by the board by rule.

5 (4) A person who reports or provides information to the board under subsection (1) of this sec-
6 tion in good faith is not subject to an action for civil damages as a result of reporting or providing
7 information to the board.

8 **SECTION 73.** ORS 675.585 is amended to read:

9 675.585. (1) Upon complaint of any person, or upon its own initiative, the [*State Board of Li-*
10 *icensed Social Workers*] **Oregon Health Licensing Agency** may investigate any alleged violation of
11 ORS 675.510 to 675.600. **Upon receipt of a complaint under ORS 675.510 to 675.600, the State**
12 **Board of Licensed Social Workers shall report the complaint to the agency.**

13 (2) Any information that the **agency or** board obtains pursuant to subsection (1) of this section
14 is confidential as provided under [*ORS 676.175*] **section 8 of this 2013 Act** and is not admissible in
15 judicial proceedings, other than judicial review as provided for under ORS 183.480[, *until the board*
16 *votes to take final action*].

17 (3) Any person who reports or provides information to the **agency or** board under subsection
18 (1) of this section in good faith is not subject to an action for civil damages as a result thereof.

19 (4) In addition to any other privilege or immunity provided by law, **the agency**, members of the
20 board, members of [*its*] **the board's** administrative [*and investigative*] staff, agents of the **agency or**
21 board and attorneys acting for the **agency or** board as [*prosecutors or*] counsel have the same
22 privileges and immunities from civil, administrative and criminal proceedings arising by reason of
23 official actions as prosecuting and judicial officers of the state.

24 (5) A person who has made a complaint to the **agency or** board or who has given information
25 or testimony relative to a proposed or pending proceeding before the [*board*] **agency** is not
26 answerable for any such act in any proceeding except for perjury.

27 **SECTION 74.** ORS 675.595 is amended to read:

28 675.595. (1) In addition to the powers otherwise granted under ORS 675.510 to 675.600, the State
29 Board of Licensed Social Workers shall have the following powers:

30 [(1)] (a) To determine the qualifications of applicants to practice social work in this state.

31 [(2)] (b) To cause to have examinations prepared, conducted and graded.

32 [(3) *To grant authorizations to practice regulated social work to qualified applicants upon their*
33 *compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.*]

34 [(4) *To grant or deny renewal of authorizations to practice regulated social work.*]

35 [(5) *To suspend or revoke authorizations to practice regulated social work.*]

36 [(6) *To issue letters of reprimand.*]

37 [(7) *To impose probationary periods with the authority to restrict the scope of practice of a regu-*
38 *lated social worker.*]

39 [(8) *To require that a regulated social worker:*]

40 [(a) *Practice under supervision;*]

41 [(b) *Obtain additional training in social work; or*]

42 [(c) *Undergo psychological, physical or psychiatric assessment, enter into and remain in any pre-*
43 *scribed treatment program and disclose the results of the treatment program to the board.*]

44 [(9) *To impose civil penalties as provided in ORS 675.540.*]

45 [(10) *To restore authorizations to practice regulated social work that have been suspended, revoked*

1 *or voided by nonpayment of the renewal fee.]*

2 [(11)] (c) To *[collect]* **adopt** fees for application, examination and reexamination of applicants for
3 initial authorizations to practice regulated social work as provided in ORS 675.571.

4 [(12)] (d) To *[collect]* **adopt** fees for renewal of authorizations to practice regulated social work
5 as provided in ORS 675.671.

6 [(13)] (e) To *[collect]* **adopt** delinquent renewal fees as provided in ORS 675.571 (4).

7 [(14) *To investigate alleged violations of ORS 675.510 to 675.600.*]

8 [(15) *To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affir-*
9 *mations to witnesses, conduct hearings and require the production of relevant documents in all pro-*
10 *ceedings pertaining to the duties and powers of the board.*]

11 [(16)] (f) To *[enforce ORS 675.510 to 675.600 and]* exercise general supervision over the practice
12 of social work in this state.

13 [(17)] (g) To adopt a common seal.

14 [(18)] (h) To formulate *[and enforce]* a code of professional conduct for the practice of social
15 work giving particular consideration to the code of ethics.

16 [(19)] (i) To formulate *[and enforce]* continuing education requirements for regulated social
17 workers to ensure the highest quality of professional services to the public.

18 [(20) *To take such other disciplinary action as the board in its discretion finds proper, including*
19 *but not limited to assessment of the costs of the disciplinary process.*]

20 [(21) *For the purpose of requesting a state or nationwide criminal records check under ORS*
21 *181.534, to require the fingerprints of a person who is:*]

22 *[(a) Applying for an authorization to practice regulated social work;]*

23 *[(b) Applying for renewal of an authorization to practice regulated social work; or]*

24 *[(c) Under investigation by the board.]*

25 **(2) In addition to the powers otherwise granted under ORS 675.510 to 675.600, the Oregon**
26 **Health Licensing Agency shall have the following powers:**

27 **(a) To grant authorizations to practice regulated social work to qualified applicants upon**
28 **their compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.**

29 **(b) To grant or deny renewal of authorizations to practice regulated social work.**

30 **(c) To suspend or revoke authorizations to practice regulated social work.**

31 **(d) To issue letters of reprimand.**

32 **(e) To impose probationary periods with the authority to restrict the scope of practice**
33 **of a regulated social worker.**

34 **(f) To require that a regulated social worker:**

35 **(A) Practice under supervision;**

36 **(B) Obtain additional training in social work; or**

37 **(C) Undergo psychological, physical or psychiatric assessment, enter into and remain in**
38 **any prescribed treatment program and disclose the results of the treatment program to the**
39 **board agency.**

40 **(g) To impose civil penalties as provided in ORS 675.540.**

41 **(h) To restore authorizations to practice regulated social work that have been suspended,**
42 **revoked or voided by nonpayment of the renewal fee.**

43 **(i) To collect fees for application, examination and reexamination of applicants for initial**
44 **authorizations to practice regulated social work as provided in ORS 675.571.**

45 **(j) To collect fees for renewal of authorizations to practice regulated social work as**

1 **provided in ORS 675.671.**

2 **(k) To collect delinquent renewal fees as provided in ORS 675.571 (4).**

3 **(L) To investigate alleged violations of ORS 675.510 to 675.600.**

4 **(m) To take such other disciplinary action as the agency in its discretion finds proper,**
5 **including but not limited to assessment of the costs of the disciplinary process.**

6 **SECTION 74a.** ORS 675.600 is amended to read:

7 675.600. The State Board of Licensed Social Workers shall:

8 (1) Pursuant to ORS chapter 183, adopt rules necessary to carry out the provisions of ORS
9 675.510 to 675.600.

10 (2) Publish annually a list of the names and addresses of all persons who have been authorized
11 to practice regulated social work. **The Oregon Health Licensing Agency shall provide the board**
12 **with all information necessary for the administration of this subsection.**

13 (3) Establish a voluntary arbitration procedure that may be invoked with the consent of clients
14 and regulated social workers whereby disputes between clients and workers may be resolved.

15 (4) Report to the Legislative Assembly on its activities regarding authorizations to practice
16 regulated social work during the preceding biennium.

17 **SECTION 74b.** ORS 675.990 is amended to read:

18 675.990. (1)(a) Violation of any provision of ORS 675.010 to 675.150 is a Class C misdemeanor.

19 (b) Notwithstanding paragraph (a) of this subsection, violation of ORS 675.020 is a Class A
20 misdemeanor.

21 (2) Violation of any provision of ORS 675.220 is a Class B misdemeanor.

22 (3) The following shall be Class C misdemeanors:

23 (a) Any violation of ORS 675.520;

24 (b) Obtaining or attempting to obtain or renew an authorization to practice regulated social
25 work by bribery or fraudulent representation;

26 (c) Knowingly making a false statement in connection with any application for an authorization
27 to practice regulated social work under ORS 675.510 to 675.600; or

28 (d) Knowingly making a false statement on any form adopted by the **Oregon Health Licensing**
29 **Agency or** State Board of Licensed Social Workers in accordance with ORS 675.510 to 675.600, or
30 the rules adopted under ORS 675.510 to 675.600.

31 **SECTION 75.** ORS 675.992 is amended to read:

32 675.992. Subject to the provisions of ORS chapter 183 relating to a contested case, the [*State*
33 *Board of Licensed Social Workers*] **Oregon Health Licensing Agency** may impose, **in addition to**
34 **any other penalty provided by law**, a civil penalty of up to \$3,000 upon proof that a person who
35 is not a regulated social worker has:

36 (1) Represented that the person is a regulated social worker; or

37 (2) Used the title "social worker" or any title, words or abbreviations that indicate that the
38 person has an authorization to practice regulated social work in violation of ORS 675.520.

39 **SECTION 76.** ORS 675.994 is amended to read:

40 675.994. Subject to the provisions of ORS chapter 183 relating to a contested case, the [*State*
41 *Board of Licensed Social Workers*] **Oregon Health Licensing Agency** may impose, **in addition to**
42 **any other penalty provided by law**, a civil penalty of up to \$5,000 upon proof that a person who
43 is not a clinical social worker licensed under ORS 675.530 or a clinical social work associate certi-
44 fied under ORS 675.537 has:

45 (1) Engaged in the practice of clinical social work, unless the person is permitted to practice

1 clinical social work under ORS 675.523; or

2 (2) Represented that the person is a clinical social worker or clinical social work associate.

3
4 **OREGON BOARD OF LICENSED**
5 **PROFESSIONAL COUNSELORS AND THERAPISTS**

6
7 (Transfer)

8
9 **SECTION 77.** The duties, functions and powers of the Oregon Board of Licensed Profes-
10 sional Counselors and Therapists relating to the responsibilities listed in ORS 676.607 (1) and
11 reflected in the amendments to statutes and session law by sections 84 to 95 of this 2013 Act
12 are imposed upon, transferred to and vested in the Oregon Health Licensing Agency.

13
14 (Records, Property, Employees)

15
16 **SECTION 78.** (1) The Oregon Board of Licensed Professional Counselors and Therapists
17 shall:

18 (a) Deliver to the Oregon Health Licensing Agency all records and property within the
19 jurisdiction of the board that relate to the duties, functions and powers transferred by sec-
20 tion 77 of this 2013 Act; and

21 (b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily
22 in the exercise of the duties, functions and powers transferred by section 77 of this 2013 Act.

23 (2) The Director of the Oregon Health Licensing Agency shall take possession of the re-
24 cords and property, and shall take charge of the employees and employ them in the exercise
25 of the duties, functions and powers transferred by section 77 of this 2013 Act, without re-
26 duction of compensation but subject to change or termination of employment or compen-
27 sation as provided by law.

28 (3) The Governor shall resolve any dispute between the Oregon Board of Licensed Pro-
29 fessional Counselors and Therapists and the Oregon Health Licensing Agency relating to
30 transfers of records, property and employees under this section, and the Governor's decision
31 is final.

32
33 (Unexpended Revenues)

34
35 **SECTION 79.** (1) The Oregon Board of Licensed Professional Counselors and Therapists
36 Account is abolished.

37 (2) The unexpended balances of amounts authorized to be expended by the Oregon Board
38 of Licensed Professional Counselors and Therapists for the biennium beginning July 1, 2013,
39 from revenues dedicated, continuously appropriated, appropriated or otherwise made avail-
40 able for the purpose of administering and enforcing the duties, functions and powers trans-
41 ferred by section 77 of this 2013 Act are transferred to and are available for expenditure by
42 the Oregon Health Licensing Agency for the biennium beginning July 1, 2013, for the purpose
43 of administering and enforcing the duties, functions and powers transferred by section 77 of
44 this 2013 Act.

45 (3) The expenditure classifications, if any, established by Acts authorizing or limiting

1 expenditures by the Oregon Board of Licensed Professional Counselors and Therapists re-
 2 main applicable to expenditures by the Oregon Health Licensing Agency under this section.

3
 4 (Action, Proceeding, Prosecution)

5
 6 **SECTION 80.** The transfer of duties, functions and powers to the Oregon Health Licens-
 7 ing Agency by section 77 of this 2013 Act does not affect any action, proceeding or prose-
 8 cution involving or with respect to such duties, functions and powers begun before and
 9 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
 10 substituted for the Oregon Board of Licensed Professional Counselors and Therapists in the
 11 action, proceeding or prosecution.

12
 13 (Liability, Duty, Obligation)

14
 15 **SECTION 81.** (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
 16 gation accruing under or with respect to the duties, functions and powers transferred by
 17 section 77 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
 18 lection or enforcement of any such liability, duty or obligation.

19 (2) The rights and obligations of the Oregon Board of Licensed Professional Counselors
 20 and Therapists legally incurred under contracts, leases and business transactions executed,
 21 entered into or begun before the operative date of section 77 of this 2013 Act accruing under
 22 or with respect to the duties, functions and powers transferred by section 77 of this 2013 Act
 23 are transferred to the Oregon Health Licensing Agency. For the purpose of succession to
 24 these rights and obligations, the Oregon Health Licensing Agency is a continuation of the
 25 Oregon Board of Licensed Professional Counselors and Therapists and not a new authority.

26
 27 (Rules)

28
 29 **SECTION 82.** Notwithstanding the transfer of duties, functions and powers by section 77
 30 of this 2013 Act, the rules of the Oregon Board of Licensed Professional Counselors and
 31 Therapists with respect to such duties, functions or powers that are in effect on the opera-
 32 tive date of section 77 of this 2013 Act continue in effect until superseded or repealed by rules
 33 of the Oregon Health Licensing Agency. References in such rules of the Oregon Board of
 34 Licensed Professional Counselors and Therapists to the Oregon Board of Licensed Profes-
 35 sional Counselors and Therapists or an officer or employee of the Oregon Board of Licensed
 36 Professional Counselors and Therapists are considered to be references to the Oregon Health
 37 Licensing Agency or an officer or employee of the Oregon Health Licensing Agency.

38 **SECTION 83.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 39 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 40 the context of the duties, functions and powers transferred by section 77 of this 2013 Act,
 41 reference is made to the Oregon Board of Licensed Professional Counselors and Therapists,
 42 or an officer or employee of the Oregon Board of Licensed Professional Counselors and
 43 Therapists, whose duties, functions or powers are transferred by section 77 of this 2013 Act,
 44 the reference is considered to be a reference to the Oregon Health Licensing Agency or an
 45 officer or employee of the Oregon Health Licensing Agency who by this 2013 Act is charged

1 **with carrying out such duties, functions and powers.**

2
3 **(Amendments to Statutes and Session Law)**

4
5 **SECTION 84.** ORS 675.715 is amended to read:

6 675.715. In order to obtain a license as a professional counselor or a marriage and family therapist, an applicant shall make application on a form and in such a manner as the [*Oregon Board of Licensed Professional Counselors and Therapists*] **Oregon Health Licensing Agency** prescribes, accompanied by the nonrefundable fee established pursuant to ORS 675.785. The [*board*] **agency** shall issue a license as a professional counselor or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the [*board*] **agency** that the applicant meets the following qualifications:

13 (1) Is not in violation of any of the provisions of ORS 675.715 to 675.835 [*and*] **or** the rules adopted by the [*board*] **Oregon Board of Licensed Professional Counselors and Therapists**.

15 (2) Has received:

16 (a) A graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association that includes training in the diagnosis of mental disorders;

19 (b) A graduate degree in marriage and family therapy in a program approved by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy that includes training in the diagnosis of mental disorders;

22 (c) A graduate degree, under standards explicitly adopted by the board by rule that is determined by the [*board*] **agency** to be comparable in both content and quality to a degree approved under paragraph (a) or (b) of this subsection and that includes training in the diagnosis of mental disorders; or

26 (d) A graduate degree, determined by the [*board*] **agency** to meet at an acceptable level at least a majority of the board's adopted degree standards and that includes training in the diagnosis of mental disorders, and has completed additional graduate training obtained in a counselor or marriage and family therapy program at an accredited college or university to meet the remainder of the standards.

31 (3) At the time of application to become a licensed professional counselor, has a minimum of three years of full-time supervised clinical experience, or the equivalent, under a board-approved supervisor in a board-approved setting. One year of the supervised clinical experience may be obtained prior to the granting of the master's degree.

35 (4) At the time of application to become a licensed marriage and family therapist, has a minimum of three years of full-time clinical work experience with supervision, in accordance with standards established by the board. At least 2,000 hours in the three-year period must be in the practice of marriage and family therapy in the presence of a client.

39 (5) Demonstrates competence as a professional counselor or marriage and family therapist by passing an examination prescribed by the board as follows:

41 (a) The examination for professional counselor license must include, but need not be limited to, counseling theory, human growth and development, social and cultural foundations, the helping relationship, group dynamics, lifestyle and career development, appraisal of individuals, research and evaluation, professional orientation, ethics and Oregon law.

45 (b) The examination for the marriage and family therapist license must include, but need not be

1 limited to, marriage and family therapy theory, systems theory, appraisal of family relationships,
 2 normal individual and family development, research and evaluation, professional conduct, ethics and
 3 Oregon law.

4 (6) An application that remains incomplete for one year from the date of the initial submission
 5 to the [board] **agency** is considered to have been withdrawn by the applicant. Incomplete applica-
 6 tions include, but are not limited to, applications lacking documentation, signatures or the payment
 7 of fees [required] **established** by the board **by rule**.

8 **SECTION 85.** ORS 675.720 is amended to read:

9 675.720. (1) If an applicant for a license under ORS 675.715 possesses the graduate degree re-
 10 quired by ORS 675.715 but has not submitted documentation satisfactory to the [*Oregon Board of*
 11 *Licensed Professional Counselors and Therapists*] **Oregon Health Licensing Agency** that the appli-
 12 cant has the required supervised clinical work experience, the applicant must register an internship
 13 plan **with the agency for approval by the Oregon Board of Licensed Professional Counselors**
 14 **and Therapists** to obtain acceptable post-degree supervised work experience to qualify for a license
 15 as a professional counselor or as a marriage and family therapist.

16 (2) To register as a professional counselor intern or as a marriage and family therapist intern
 17 under this section, the applicant shall submit in the form and manner determined by the [board]
 18 **agency**:

19 (a) A request for registration; and

20 (b) A plan, **for approval by the board**, to obtain or complete the supervised clinical work ex-
 21 perience required for licensure.

22 (3) The [board] **agency** shall register the applicant as an intern upon receipt [*and approval*] of
 23 the completed request and **board approval of the** plan required in subsection (2) of this section.

24 (4)(a) A registered intern must renew the certificate of registration annually on or before the
 25 first day of the month in which the [*board approved the initial registration*] **agency registered the**
 26 **applicant**. To renew a certificate of registration, a registered intern shall:

27 (A) Submit a renewal application in the form and manner established by the [board] **agency**
 28 accompanied by a renewal fee pursuant to ORS 675.785; and

29 (B) Document fulfillment of all other requirements established by the board by rule.

30 (b) Failure to renew a registration within 30 days of the annual renewal date terminates the
 31 registration and the application for licensure.

32 (5) Registered interns are subject to all ethical standards adopted by the board.

33 **SECTION 86.** Section 2, chapter 50, Oregon Laws 2010, is amended to read:

34 **Sec. 2.** (1) A person licensed under ORS 675.715 to 675.835 on January 1, 2010, may not practice
 35 professional counseling or marriage and family therapy after January 1, 2012, unless the person has
 36 submitted a written attestation to the [*Oregon Board of Licensed Professional Counselors and Ther-*
 37 *apists*] **Oregon Health Licensing Agency** that the person has training and experience in the diag-
 38 nosis of mental disorders.

39 (2) The [board] **agency** shall randomly audit attestations submitted under subsection (1) of this
 40 section.

41 **SECTION 87.** ORS 675.725 is amended to read:

42 675.725. (1) A license issued under ORS 675.715 to 675.835 is subject to annual renewal.

43 (2) A licensee seeking renewal of a license shall:

44 (a) Pay **to the Oregon Health Licensing Agency** the license renewal fee on or before the re-
 45 newal date established by the Oregon Board of Licensed Professional Counselors and Therapists by

1 rule;

2 (b) Provide **to the agency** proof of fulfillment of any requirements of the board for continuing
3 education and supervision;

4 (c) Submit to the [board] **agency** a sworn statement on a form provided by the [board] **agency**
5 certifying that there is no reason for denial of the license renewal; and

6 (d) Maintain professional disclosure statements as required by the board by rule.

7 (3) A licensee may renew a license after the date for license renewal by paying **to the agency**
8 the renewal fee and a late filing fee for license renewal prior to the expiration of the grace period
9 for license renewal established by the board by rule.

10 (4) A licensee may not continue to practice as a licensed professional counselor or a licensed
11 marriage and family therapist after expiration of the license.

12 (5) A person whose license has expired may apply to be relicensed as follows:

13 (a) If the person's previous license has been expired for more than two years, the person must
14 apply and qualify for a new license in the same manner as a person who has never been licensed.

15 (b) If the person's previous license has been expired for two years or less, the person is not re-
16 quired to meet the degree, experience and examination standards for a person who has never been
17 licensed, but must meet all other requirements for relicensure as the board may establish by rule.
18 An application for relicensure under this subsection must be submitted in the manner required by
19 the [board] **agency** and must be accompanied by the payment of the application fee and one annual
20 renewal fee.

21 **SECTION 88.** ORS 675.735 is amended to read:

22 675.735. Upon application therefor accompanied by the appropriate fees established under ORS
23 675.785, the [*Oregon Board of Licensed Professional Counselors and Therapists*] **Oregon Health Li-**
24 **censing Agency** shall grant a license as a professional counselor or marriage and family therapist
25 if the applicant provides evidence to the satisfaction of the [board] **agency** that the applicant is
26 recognized as a professional counselor or marriage and family therapist in another state in which
27 the requirements for such recognition are, in the judgment of the [board] **agency**, at least equivalent
28 to the licensing requirements of ORS 675.715 to 675.835 and rules of the [board] **Oregon Board of**
29 **Licensed Professional Counselors and Therapists.**

30 **SECTION 89.** ORS 675.745 is amended to read:

31 675.745. (1) [*The Oregon Board of Licensed Professional Counselors and Therapists*] **In addition**
32 **to the sanctions described in ORS 676.612, the Oregon Health Licensing Agency** may deny,
33 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon
34 proof that the applicant for licensure or the licensee:

35 (a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or ter-
36 ritory or against the federal government that brings into question the competence of the licensee
37 in the role of a counselor or a therapist;

38 (b) Is unable to perform the practice of professional counseling or marriage and family therapy
39 by reason of physical illness;

40 (c) Has an impairment as defined in ORS 676.303;

41 (d) Has been grossly negligent in the practice of professional counseling or marriage and family
42 therapy;

43 (e) Has violated one or more of the rules of the [board] **Oregon Board of Licensed Profes-**
44 **sional Counselors and Therapists** pertaining to the licensure of professional counselors or licensed
45 marriage and family therapists;

1 (f) Has failed to file a professional disclosure statement or has filed a false, incomplete or mis-
 2 leading professional disclosure statement;

3 (g) Has practiced outside the scope of activities, including administering, constructing or inter-
 4 preting tests or diagnosing or treating mental disorders, for which the licensee has individual
 5 training and qualification; or

6 (h) Has been disciplined by a state mental health licensing board or program in this or any other
 7 state for violation of competency or conduct standards.

8 (2)(a) The [board] **agency** may reprimand or impose probation on a licensee or a registered in-
 9 tern upon proof of any of the grounds for discipline provided in subsection (1) of this section.

10 (b) If the [board] **agency** elects to place a licensee or a registered intern on probation, the
 11 [board] **agency** may impose:

12 (A) Restrictions on the scope of practice of the licensee or intern;

13 (B) Requirements for specific training;

14 (C) Supervision of the practice of the licensee or intern; or

15 (D) Other conditions the [board] **agency** finds necessary for the protection of the public.

16 (3) The [board] **agency** may initiate action against persons violating any provision of ORS
 17 675.715 to 675.835 or any rules adopted by the board.

18 (4) Pursuant to ORS 183.745, the [board] **agency** may impose, **in addition to any other penalty**
 19 **provided by law**, a civil penalty of not more than \$2,500 for each ground for discipline listed in
 20 subsection (1) of this section found by the [board] **agency**.

21 (5) Pursuant to ORS 183.745, the [board] **agency** may impose, **in addition to any other penalty**
 22 **provided by law**, a civil penalty of not more than \$2,500 for each violation of or failure to observe
 23 any limitation or condition imposed by the [board] **agency** on the licensee's or registered intern's
 24 practice under subsection (2) of this section.

25 (6) Information that the [board] **agency** obtains as part of an investigation into licensee or ap-
 26 plicant conduct or as part of a contested case proceeding, consent order or stipulated agreement
 27 involving licensee or applicant conduct is confidential as provided under [ORS 676.175] **section 8**
 28 **of this 2013 Act**.

29 (7) In addition to the actions authorized by subsections (1) and (2) of this section, the [board]
 30 **agency** may take such disciplinary action as the [board] **agency** in its discretion finds proper, in-
 31 cluding but not limited to the assessment of the costs of the disciplinary process.

32 **SECTION 90.** ORS 675.755 is amended to read:

33 675.755. (1) Except as provided in subsection (6) of this section, prior to the performance of
 34 professional counseling or marriage and family therapy, the licensee must furnish the client with a
 35 copy of a professional disclosure statement. If the licensee fails to provide the statement, the
 36 licensee shall not charge a client a fee for services.

37 (2) A professional disclosure statement shall include the following information regarding the
 38 applicant or licensee:

39 (a) Name, business address and telephone number;

40 (b) Philosophy and approach to counseling or marriage and family therapy;

41 (c) Formal education and training;

42 (d) Continuing education and supervision requirements; and

43 (e) Fee schedules.

44 (3) The statement must include the name, address and telephone number of the Oregon Board
 45 of Licensed Professional Counselors and Therapists **and the Oregon Health Licensing Agency**.

1 (4) An applicant shall submit a professional disclosure statement for [board] **agency** approval
 2 upon application for a license.

3 (5) Whenever an applicant or licensee makes a change in the professional disclosure statement,
 4 the new statement shall be presented to the [board] **agency** for approval.

5 (6) The board may adopt by rule exemptions from the requirements of this section.

6 **SECTION 91.** ORS 675.765 is amended to read:

7 675.765. (1) A licensee or any employee of the licensee shall not disclose any communication
 8 given the licensee by a client in the course of noninvestigatory professional activity when such
 9 communication was given to enable the licensee to aid the client, except:

10 [(1)] (a) When the client or those persons legally responsible for the affairs of the client give
 11 consent to the disclosure;

12 [(2)] (b) When the client initiates legal action or makes a complaint against the licensed pro-
 13 fessional counselor or licensed marriage and family therapist to the Oregon Board of Licensed Pro-
 14 fessional Counselors and Therapists **or the Oregon Health Licensing Agency;**

15 [(3)] (c) When the communication reveals the intent to commit a crime or harmful act;

16 [(4)] (d) When the communication reveals that a minor is or is suspected to be the victim of a
 17 crime, abuse or neglect; or

18 [(5)] (e) When responding to an inquiry by the [board] **agency** made during the course of an
 19 investigation into the conduct of the licensee under ORS 676.165 [to 676.180].

20 **(2)(a) Upon receipt of a complaint under ORS 675.715 to 675.835, the board shall report**
 21 **the complaint to the agency.**

22 **(b) Any information the agency or board obtains under this section is confidential as**
 23 **provided under section 8 of this 2013 Act.**

24 **SECTION 92.** ORS 675.785 is amended to read:

25 675.785. (1) The Oregon Board of Licensed Professional Counselors and Therapists has the fol-
 26 lowing powers:

27 [(1)] (a) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt
 28 rules necessary for the administration of the laws the board is charged with administering.

29 [(2)] (b) Subject to any applicable provisions of the State Personnel Relations Law, the board
 30 may appoint, prescribe the duties and fix the compensation of employees of the board necessary to
 31 carry out the duties of the board.

32 [(3)] (c) The board may [impose] **establish** nonrefundable fees, **to be collected by the Oregon**
 33 **Health Licensing Agency,** in an amount set by rule for the following:

34 [(a)] (A) License application.

35 [(b)] (B) First issuance of a license.

36 [(c)] (C) Renewal of a license.

37 [(d)] (D) Late filing of a license renewal.

38 [(e)] (E) Renewal of registration as an intern.

39 [(f)] (F) Examinations. Examination fees shall not exceed the costs incurred in administering the
 40 particular examination. Fees established under this [subsection] **paragraph** are subject to prior ap-
 41 proval of the Oregon Department of Administrative Services and a report to the Emergency Board
 42 prior to adopting the fees and shall be within the budget authorized by the Legislative Assembly as
 43 that budget may be modified by the Emergency Board.

44 **(d) The board shall form standards committees for the purpose of establishing, examining**
 45 **and passing on the qualifications of applicants to practice professional counseling or mar-**

1 riage and family therapy in this state. The standards committee for professional counselors
 2 shall be made up of the professional counselors on the board, the faculty member and the
 3 public member. The standards committee for marriage and family therapists shall be made
 4 up of the marriage and family members of the board, the faculty member and the public
 5 member. Each standards committee shall establish standards and requirements for continu-
 6 ing education and supervision, as appropriate.

7 (e) The board may adopt a seal to be affixed to all licenses.

8 (f) The board shall adopt a code of ethics for licensees. The board may use the ethical
 9 codes of professional counseling and marriage and family therapy associations as models for
 10 the code established by the board.

11 (g) The board may set academic and training standards necessary under ORS 675.715 to
 12 675.835, including, but not limited to, the adoption of rules to establish semester hour
 13 equivalents for qualification for licensing where quarter hours are required under ORS
 14 675.715 to 675.835.

15 (h) The board shall adopt rules requiring the applicant for a professional counselor li-
 16 cense or a marriage and family therapy license to receive a passing score on an examination
 17 of competency in counseling or marriage and family therapy. The examination may be the
 18 examination given nationally to certify counselors, or in the case of marriage and family
 19 therapy, the examination approved by the Association of Marital and Family Therapy Regu-
 20 latory Boards.

21 [(4)] (2) Using information provided by the Oregon Health Licensing Agency, the board
 22 shall:

23 (a) Maintain a register of all current licensed professional counselors and marriage and family
 24 therapists.

25 (b) Annually publish a directory listing all current licensed professional counselors and marriage
 26 and family therapists. The directory shall be available to the public, for which the board may
 27 *collect* **require the collection of** a publication fee.

28 [(5)] (3) The *[board]* **agency** shall:

29 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted
 30 under authority of the board.

31 (b) Establish procedures to review the complaints of clients of licensees *[of the board]*. Upon
 32 receipt of a complaint under ORS 675.715 to 675.835 against any licensed or unlicensed person, the
 33 *[board]* **agency** shall conduct an investigation as described under ORS 676.165.

34 [(6)] *The board shall report to the Legislative Assembly concerning the activities of the board dur-*
 35 *ing the preceding biennium.]*

36 [(7)] *The board shall form standards committees to establish, examine and pass on the qualifications*
 37 *of applicants to practice professional counseling or marriage and family therapy in this state. The*
 38 *standards committee for professional counselors shall be made up of the professional counselors on the*
 39 *board, the faculty member and the public member. The standards committee for marriage and family*
 40 *therapists shall be made up of the marriage and family members of the board, the faculty member and*
 41 *the public member.]*

42 [(8)] (c) *[The board shall]* Grant licenses to applicants who qualify to practice professional
 43 counseling or marriage and family therapy in this state upon compliance with ORS 675.715 to
 44 675.835 and the rules of the board.

45 [(9)] *The board may administer oaths, take depositions, defray legal expenses and issue subpoenas*

1 to compel the attendance of witnesses and the production of documents or written information necessary
2 to carry out ORS 675.715 to 675.835.]

3 [(10) The board may adopt a seal to be affixed to all licenses.]

4 [(11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes
5 of professional counseling and marriage and family therapy associations as models for the code estab-
6 lished by the board.]

7 [(12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,
8 including, but not limited to, the adoption of rules to establish semester hour equivalents for qualifica-
9 tion for licensing where quarter hours are required under ORS 675.715 to 675.835.]

10 [(13) The board shall require the applicant for a professional counselor license or a marriage and
11 family therapy license to receive a passing score on an examination of competency in counseling or
12 marriage and family therapy. The examination may be the examination given nationally to certify
13 counselors, or in the case of marriage and family therapy, the examination approved by the Association
14 of Marital and Family Therapy Regulatory Boards.]

15 [(14) The standards committee shall establish standards and requirements for continuing education
16 and supervision, as appropriate.]

17 [(15) For the purpose of requesting a state or nationwide criminal records check under ORS
18 181.534, the board may require the fingerprints of a person who is:]

19 [(a) Applying for a license that is issued by the board;]

20 [(b) Applying for renewal of a license that is issued by the board; or]

21 [(c) Under investigation by the board.]

22 **SECTION 93.** ORS 675.805 is amended to read:

23 675.805. All moneys received by the Oregon Board of Licensed Professional Counselors and
24 Therapists under ORS 675.715 to 675.835 shall be paid into the [*General Fund in the State Treasury*
25 *and placed to the credit of the Oregon Board of Licensed Professional Counselors and Therapists Ac-*
26 *count, which is hereby established*] **Oregon Health Licensing Agency Account**. Such moneys are
27 appropriated continuously and shall be used [*only*] for the administration and enforcement of ORS
28 675.715 to 675.835.

29 **SECTION 94.** ORS 675.825 is amended to read:

30 675.825. (1) A person may not:

31 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent represen-
32 tation.

33 (b) Engage in or purport to the public to be engaged in the practice of professional counseling
34 under the title "licensed professional counselor" unless the person is a licensee.

35 (c) Engage in or purport to the public to be engaged in the practice of marriage and family
36 therapy under the title of "licensed marriage and family therapist" unless the person is a licensee.

37 (d) Engage in the practice of professional counseling or marriage and family therapy unless:

38 (A) The person is a licensee, registered intern or graduate student pursuing a graduate degree
39 in counseling or marriage and family therapy; or

40 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-
41 section (3) of this section.

42 (e) Provide counseling or therapy services of a psychotherapeutic nature if the person's license
43 to practice as a professional counselor or as a marriage and family therapist has been revoked by
44 the [*Oregon Board of Licensed Professional Counselors and Therapists*] **Oregon Health Licensing**
45 **Agency** because the person engaged in sexual activity with a client.

1 (2) A licensed psychologist whose license, or a regulated social worker whose authorization to
2 practice regulated social work, was issued prior to October 1, 1991, may use the title “marriage and
3 family therapist.”

4 (3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:

5 (a) Licensed, certified, registered or similarly regulated under the laws of this state and who is
6 performing duties within the authorized scope of practice of the license, certification, registration
7 or regulation.

8 (b) A recognized member of the clergy, provided that the person is acting in the person’s
9 ministerial capacity.

10 (c) Employed by a local, state or federal agency or any agency licensed or certified by the state
11 to provide mental health or health services, if the person’s activities constituting professional
12 counseling or marriage and family therapy are performed within the scope of the person’s employ-
13 ment.

14 (d) Authorized to provide addiction treatment services under rules of the Department of Human
15 Services.

16 (4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person’s profession
17 or restricts a person from providing counseling services or services related to marriage and family
18 if the person:

19 (a) Does not meet the requirements of ORS 675.715 (2); or

20 (b) Does not practice:

21 (A) Marriage and family therapy as defined in ORS 675.705 (5)(a); or

22 (B) Professional counseling as defined in ORS 675.705 (6)(a).

23 (5) Each violation of this section is a separate violation.

24 (6) *[The board]* **In addition to any other penalty provided by law, the agency** may levy a civil
25 penalty not to exceed \$2,500 for each separate violation of this section.

26 **SECTION 95.** ORS 675.835 is amended to read:

27 675.835. (1) The [*Oregon Board of Licensed Professional Counselors and Therapists*] **Oregon**
28 **Health Licensing Agency** may commence injunction proceedings in any circuit court to enjoin vi-
29 olation of ORS 675.825.

30 (2) In proceedings under this section, the [*board*] **agency** need not show that any person is in-
31 jured by the person against whom the injunction is sought.

32 (3)(a) If the person against whom an injunction is sought under this section is found by the court
33 to have unlawfully used the title “licensed professional counselor” or “licensed marriage and family
34 therapist,” a court may grant an injunction barring the person from using the title.

35 (b) If the person against whom an injunction is sought under this section is found by the court
36 to have unlawfully engaged in the practice of professional counseling or marriage and family ther-
37 apy, a court may grant an injunction barring the person from engaging in the unlawful practice.

38 (4) An injunction under this section is in addition to any other remedies or penalties provided
39 by law.

40
41 **STATE BOARD OF EXAMINERS FOR**
42 **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

43
44 **(Transfer)**
45

1 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
 2 substituted for the State Board of Examiners for Speech-Language Pathology and Audiology
 3 in the action, proceeding or prosecution.

4
 5 (Liability, Duty, Obligation)
 6

7 **SECTION 100.** (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
 8 gation accruing under or with respect to the duties, functions and powers transferred by
 9 section 96 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
 10 lection or enforcement of any such liability, duty or obligation.

11 (2) The rights and obligations of the State Board of Examiners for Speech-Language
 12 Pathology and Audiology legally incurred under contracts, leases and business transactions
 13 executed, entered into or begun before the operative date of section 96 of this 2013 Act ac-
 14 cruing under or with respect to the duties, functions and powers transferred by section 96
 15 of this 2013 Act are transferred to the Oregon Health Licensing Agency. For the purpose
 16 of succession to these rights and obligations, the Oregon Health Licensing Agency is a con-
 17 tinuation of the State Board of Examiners for Speech-Language Pathology and Audiology and
 18 not a new authority.

19
 20 (Rules)
 21

22 **SECTION 101.** Notwithstanding the transfer of duties, functions and powers by section
 23 96 of this 2013 Act, the rules of the State Board of Examiners for Speech-Language Pathology
 24 and Audiology with respect to such duties, functions or powers that are in effect on the op-
 25 erative date of section 96 of this 2013 Act continue in effect until superseded or repealed by
 26 rules of the Oregon Health Licensing Agency. References in such rules of the State Board
 27 of Examiners for Speech-Language Pathology and Audiology to the State Board of Examiners
 28 for Speech-Language Pathology and Audiology or an officer or employee of the State Board
 29 of Examiners for Speech-Language Pathology and Audiology are considered to be references
 30 to the Oregon Health Licensing Agency or an officer or employee of the Oregon Health Li-
 31 censing Agency.

32 **SECTION 102.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 33 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 34 the context of the duties, functions and powers transferred by section 96 of this 2013 Act,
 35 reference is made to the State Board of Examiners for Speech-Language Pathology and
 36 Audiology, or an officer or employee of the State Board of Examiners for Speech-Language
 37 Pathology and Audiology, whose duties, functions or powers are transferred by section 96 of
 38 this 2013 Act, the reference is considered to be a reference to the Oregon Health Licensing
 39 Agency or an officer or employee of the Oregon Health Licensing Agency who by this 2013
 40 Act is charged with carrying out such duties, functions and powers.

41
 42 (Amendments to Statutes)
 43

44 **SECTION 103.** ORS 681.260 is amended to read:

45 681.260. An applicant is eligible for licensing by the [*State Board of Examiners for Speech-*

1 *Language Pathology and Audiology*] **Oregon Health Licensing Agency** as a speech-language
2 pathologist if the applicant:

3 (1) Possesses a master's or doctoral degree in speech-language pathology from an educational
4 institution accredited by an accrediting organization approved by the [board] **State Board of Ex-**
5 **aminers for Speech-Language Pathology and Audiology**, or an equivalent degree as determined
6 by the board;

7 (2) Completed all requirements for the degree required by subsection (1) of this section at an
8 educational institution accredited by an accrediting organization approved by the board;

9 (3) Has completed supervised clinical experience required by the board by rule;

10 (4) Has passed examinations required by the board by rule; and

11 (5) Meets other requirements established by the board by rule.

12 **SECTION 104.** ORS 681.264 is amended to read:

13 681.264. An applicant is eligible for licensing by the [*State Board of Examiners for Speech-*
14 *Language Pathology and Audiology*] **Oregon Health Licensing Agency** as an audiologist if the ap-
15 plicant:

16 (1) Possesses a degree from an educational institution accredited by an accrediting organization
17 approved by the [board] **State Board of Examiners for Speech-Language Pathology and**
18 **Audiology** that meets the following requirements:

19 (a) If the degree was awarded on or before August 30, 2007, the applicant must possess a
20 master's or doctoral degree in audiology; or

21 (b) If the degree was awarded after August 30, 2007, the applicant must possess a doctoral de-
22 gree with an emphasis in audiology, or an equivalent degree as determined by the board;

23 (2) Completed all requirements for the degree required by subsection (1) of this section at an
24 educational institution accredited by an accrediting organization approved by the board;

25 (3) Has completed supervised clinical experience required by the board by rule;

26 (4) Has passed examinations required by the board by rule; and

27 (5) Meets other requirements established by the board by rule.

28 **SECTION 105.** ORS 681.270 is amended to read:

29 681.270. (1) A person desiring to obtain a license or conditional license from the [*State Board*
30 *of Examiners for Speech-Language Pathology and Audiology*] **Oregon Health Licensing Agency**
31 **under this chapter** shall make application to the [board] **agency**.

32 (2) The application shall be made upon a form and in the manner prescribed by the [board]
33 **agency**.

34 (3) The application required by this section shall be accompanied by a nonrefundable application
35 fee established by the [board] **State Board of Examiners for Speech-Language Pathology and**
36 **Audiology**.

37 **SECTION 106.** ORS 681.285 is amended to read:

38 681.285. (1) The [*State Board of Examiners for Speech-Language Pathology and Audiology may*
39 *adopt rules allowing for the issuance of*] **Oregon Health Licensing Agency may issue** a temporary
40 speech-language pathology or audiology license or a temporary speech-language pathology assistant
41 certificate **to applicants meeting requirements established by the State Board of Examiners**
42 **for Speech-Language Pathology and Audiology by rule**.

43 (2) The board may establish fees for temporary licenses and certificates.

44 **SECTION 106a.** ORS 681.300 is amended to read:

45 681.300. The **Oregon Health Licensing Agency, in accordance with rules adopted by the**

1 State Board of Examiners for Speech-Language Pathology and Audiology, may waive the examina-
 2 tion described in ORS 681.290 and grant a license to:

3 (1) An applicant who holds the Certificate of Clinical Competence of the American Speech-
 4 Language-Hearing Association in the area for which the person is applying for a license.

5 (2) An audiology applicant who is certified by the American Board of Audiology.

6 **SECTION 107.** ORS 681.320 is amended to read:

7 681.320. (1) On or before December 31 of each odd-numbered year, or on or before such date as
 8 may be specified by rule of the State Board of Examiners for Speech-Language Pathology and
 9 Audiology, each licensed speech-language pathologist or audiologist shall submit to the [board]
 10 **Oregon Health Licensing Agency** an application for renewal of license and pay the renewal fee
 11 established by the board. The application shall include the following:

12 (a) Evidence of participation in professional development. Participation in professional devel-
 13 opment includes continuing education or other demonstrations of professional development that the
 14 board may recognize by rule.

15 (b) Evidence of compliance with all other requirements established by the board.

16 (2) A person who applies for renewal and whose license has expired may not be required to
 17 submit to any examination as a condition to renewal if the renewal application is made within four
 18 years from the date of expiration of the license.

19 (3) A suspended license is subject to expiration and must be renewed as provided in this section,
 20 but renewal does not entitle the licensee while the license remains suspended to engage in the li-
 21 censed activity, or in any other activity or conduct that violates the order or judgment by which
 22 the license was suspended.

23 (4) A license revoked on disciplinary grounds is subject to expiration and may not be renewed.
 24 If the license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall
 25 pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular
 26 renewal date before the date on which it is reinstated, plus a delinquency fee, if any, accrued at the
 27 time of revocation of the license.

28 (5) A person who fails to renew a license within the four years after its expiration may not re-
 29 new the license. The license may not be restored, reissued or reinstated thereafter, but the person
 30 may reapply for and obtain a new license if the person meets the requirements of this chapter and
 31 rules adopted by the board.

32 **SECTION 108.** ORS 681.325 is amended to read:

33 681.325. (1) A conditional license permits an individual to practice speech-language pathology
 34 or audiology while the person completes the licensing requirements of this chapter.

35 (2) The [*State Board of Examiners for Speech-Language Pathology and Audiology*] **Oregon**
 36 **Health Licensing Agency** may issue a conditional license to practice speech-language pathology
 37 or audiology to an applicant who:

38 (a) Except for the examination and supervised post-graduate professional practice in speech-
 39 language pathology or audiology, meets the license requirements under ORS 681.260 or 681.264 **and**
 40 **the applicable rules of the State Board of Examiners for Speech-Language Pathology and**
 41 **Audiology**; and

42 (b) Demonstrates to the satisfaction of the [board] **agency** that for the term of the conditional
 43 license the applicant will practice speech-language pathology or audiology only under the super-
 44 vision of a speech-language pathologist or audiologist under this chapter.

45 (3) A conditional license expires on the first anniversary of its effective date.

1 (4) The [board] **agency** may renew the conditional license for one additional one-year term if the
 2 holder:

3 (a) Continues to meet the requirements of subsection (2) of this section;

4 (b) Submits a conditional license renewal application to the [board] **agency** on [the] a form that
 5 the [board] **agency** requires; and

6 (c) Pays to the [board] **agency** a conditional license renewal fee established by the board.

7 **SECTION 109.** ORS 681.340 is amended to read:

8 681.340. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may,
 9 by rule, [impose] **adopt fees, to be collected by the Oregon Health Licensing Agency**, for the
 10 following:

11 (a) License or certificate fee and renewal thereof.

12 (b) Delinquency fee.

13 (c) Application fee.

14 (d) Inactive license fee.

15 (e) Conditional license fee and renewal thereof.

16 (f) Temporary license or certificate fee and renewal thereof.

17 (2) Every person to whom a license is issued shall, as a condition precedent to its issuance, and
 18 in addition to any application, examination or other fee, pay the prescribed initial license fee. The
 19 board may, by rule, provide for waiver of such fee where the license is issued less than 45 days
 20 before the date on which it will expire.

21 (3) Fees established by the board under subsection (1) of this section shall be in accordance with
 22 ORS 291.050 to 291.060.

23 (4) The fees collected by the [board] **agency** are exclusive and a municipality may not require
 24 any person licensed under the provisions of this chapter to furnish any bond or pass any examina-
 25 tion.

26 **SECTION 110.** ORS 681.350 is amended to read:

27 681.350. (1) [The State Board of Examiners for Speech-Language Pathology and Audiology] **In**
 28 **addition to the sanctions described in ORS 676.612, the Oregon Health Licensing Agency** may
 29 refuse to issue or renew any license or conditional license **under this chapter**, may suspend or
 30 revoke any license or conditional license **under this chapter**, may reprimand any licensee or con-
 31 ditional licensee **under this chapter** or may place any licensee or conditional licensee on probation
 32 **under this chapter** if the applicant, licensee or conditional licensee has:

33 (a) Obtained or attempted to obtain a license or conditional license by means of fraud, misrep-
 34 resentation, or concealment of material facts.

35 (b) Violated any ethical standards of practice established under ORS 681.420.

36 (c) Violated any lawful order or rule of the [board] **State Board of Examiners for Speech-**
 37 **Language Pathology and Audiology**.

38 (d) Violated any provisions of this chapter.

39 (e) Been disciplined by a professional licensing board in another state or in this state.

40 (f) An impairment as defined in ORS 676.303.

41 (2) An applicant, a licensee or a conditional licensee is entitled to an opportunity for a hearing
 42 that complies with all applicable requirements of ORS chapter 183 before the [board] **agency** takes
 43 final action under subsection (1) of this section.

44 (3) A person whose license has been revoked or whose application for a license has been denied
 45 may apply for reinstatement or licensure only under conditions, if any, set forth in the [board's]

1 **agency's** final order of revocation or denial of license.

2 (4) In disciplining a licensee or a conditional licensee **under this section**, the [board] **agency**
 3 may impose any disciplinary action the [board] **agency** finds proper, including assessment of costs
 4 of the disciplinary proceedings as a civil penalty.

5 **SECTION 111.** ORS 681.360 is amended to read:

6 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or
 7 use the title speech-language pathology assistant without a certificate to do so issued under this
 8 section.

9 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a
 10 person shall:

11 (a) Submit an application in the form prescribed by the [State Board of Examiners for Speech-
 12 Language Pathology and Audiology] **Oregon Health Licensing Agency**;

13 (b) Pay the certificate fee established by the [board] **State Board of Examiners for Speech-
 14 Language Pathology and Audiology**;

15 (c) Demonstrate that the person meets the qualifications for certification established by the
 16 board; and

17 (d) Comply with all other requirements for certification established by the board.

18 (3) A certificate issued under this section expires every two years. To renew a certificate to
 19 perform the duties of a speech-language pathology assistant, a person shall:

20 (a) Submit the renewal application in the form prescribed by the [board] **agency**;

21 (b) Pay the renewal fee established by the board; and

22 (c) Comply with all other requirements for certificate renewal established by the board, includ-
 23 ing but not limited to submission of evidence of participation in professional development activities.

24 (4) A person may not employ or otherwise use the services of a speech-language pathology as-
 25 sistant unless the speech-language pathology assistant is certified under this section.

26 (5) The board may establish by rule qualifications and conditions under which a person not li-
 27 censed under this chapter who holds a basic or standard teaching license in speech impaired or an
 28 initial or continuing teaching license in communication disorders issued by the Teacher Standards
 29 and Practices Commission may supervise a speech-language pathology assistant working in a school.

30 (6) The [board] **agency** may refuse to issue a certificate, or may suspend or revoke the certif-
 31 icate, of any certified speech-language pathology assistant pursuant to the provisions of ORS
 32 681.350.

33 **SECTION 112.** ORS 681.420 is amended to read:

34 681.420. (1) The State Board of Examiners for Speech-Language Pathology and Audiology shall:

35 [(1) *Administer, coordinate and enforce the provisions of this chapter;*]

36 [(2)] (a) [*Evaluate*] **Adopt by rule** the qualifications [*of applicants*] for any license as issued un-
 37 der this chapter and supervise the examination of such applicants;

38 [(3) *Investigate persons engaging in practices which violate the provisions of this chapter;*]

39 [(4)] (b) Conduct hearings and keep records and minutes as the board deems necessary to an
 40 orderly dispatch of business;

41 [(5)] (c) Adopt rules and regulations, including but not limited to governing ethical standards
 42 of practice under this chapter; and

43 [(6)] (d) Adopt a seal by which the board shall authenticate its proceedings.

44 (2) Copies of [*the*] proceedings, records and acts of the board, signed by the executive director
 45 or chairperson of the board and stamped with the seal **adopted under subsection (1)(d) of this**

1 **section**, shall be prima facie evidence of the truth of such documents.

2 **(3) The Oregon Health Licensing Agency shall:**

3 **(a) Administer, coordinate and enforce the provisions of this chapter;**

4 **(b) Evaluate the qualifications of applicants for licenses issued under this chapter in ac-**
5 **cordance with rules adopted by the board; and**

6 **(c) Investigate persons engaging in practices that violate the provisions of this chapter.**

7 **SECTION 113.** ORS 681.440 is amended to read:

8 681.440. (1) All meetings of the State Board of Examiners for Speech-Language Pathology and
9 Audiology for the consideration of and action on matters coming before the board are open to the
10 public, except:

11 [(1)] (a) Matters involving the management of internal affairs of the board and its staff may be
12 considered and acted upon by the board in executive meetings under rules prescribed by the board.

13 [(2)] (b) Sessions to prepare, approve, grade or administer examinations.

14 [(3)] (c) Upon request of a person who has failed the licensing examination and is appearing to
15 appeal the failing grade.

16 [(4)] (2) An investigation **by the Oregon Health Licensing Agency** into licensee or applicant
17 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
18 licensee or applicant conduct [*to the extent made confidential by ORS 676.175*] **is subject to section**
19 **8 of this 2013 Act.**

20 **SECTION 114.** ORS 681.480 is amended to read:

21 681.480. [*The State Board of Examiners for Speech-Language Pathology and Audiology Account*
22 *is established in the State Treasury, separate and distinct from the General Fund. All moneys received*
23 *by the State Board of Examiners for Speech-Language Pathology and Audiology under this chapter*
24 *shall be deposited into the account and are continuously appropriated to the board for the adminis-*
25 *tration and enforcement of this chapter. Any interest or other income from moneys in the account shall*
26 *be credited to the account.*] **All moneys received by the Oregon Health Licensing Agency under**
27 **this chapter shall be deposited in the Oregon Health Licensing Agency Account and are**
28 **continuously appropriated to the agency for the administration and enforcement of this**
29 **chapter.**

30 **SECTION 115.** ORS 681.490 is amended to read:

31 681.490. (1) [*The State Board of Examiners for Speech-Language Pathology and Audiology*] **The**
32 **Oregon Health Licensing Agency:**

33 (a) May, upon its own motion, investigate any alleged violation of this chapter.

34 (b) Shall, upon the complaint of any resident of this state, investigate any alleged violation of
35 this chapter.

36 [(2) *In the conduct of investigations, the board may:*]

37 [(a) *Take evidence;*]

38 [(b) *Take the depositions of witnesses, including the person charged, in the manner provided by law*
39 *in civil cases;*]

40 [(c) *Compel the appearance of witnesses, including the person charged, before the board in person*
41 *the same as in civil cases;*]

42 [(d) *Require answers to interrogatories; and*]

43 [(e) *Compel the production of books, papers, accounts, documents and testimony pertaining to the*
44 *matter under investigation.*]

45 [(3) *In exercising its authority under subsection (2) of this section, the board may issue subpoenas*

1 over the signature of the board chairperson, vice chairperson or executive director and the seal of the
 2 board in the name of the State of Oregon.]

3 [(4)] (2) The [board] **agency** may bring a cause of action for injunction or other appropriate
 4 remedy to enforce any provision of this chapter.

5 [(5)] (3) In addition to or in lieu of any other sanction [permitted under this chapter] **provided**
 6 **by law**, the [board] **agency** may impose a civil penalty of up to \$5,000 for each violation of the
 7 provisions of this chapter or rules adopted by the [board] **State Board of Examiners for Speech-**
 8 **Language Pathology and Audiology** under this chapter. A civil penalty imposed under this section
 9 shall be imposed in the manner provided in ORS 183.745.

10 **SECTION 116.** ORS 681.495 is amended to read:

11 681.495. (1) Upon receipt of a complaint under this chapter, the [State Board of Examiners for
 12 Speech-Language Pathology and Audiology] **Oregon Health Licensing Agency** shall conduct an in-
 13 vestigation as described under ORS 676.165. **Upon receipt of a complaint under this chapter, the**
 14 **State Board of Examiners for Speech-Language Pathology and Audiology shall report the**
 15 **complaint to the agency.**

16 (2) **Any information the agency or board obtains under this section is confidential as**
 17 **provided under section 8 of this 2013 Act.**

18 **SECTION 117.** ORS 681.505 is amended to read:

19 681.505. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health
 20 information prohibit disclosure, a [licensee of the State Board of Examiners for Speech-Language
 21 Pathology and Audiology] **person licensed under this chapter** shall report any suspected violation
 22 of this chapter or any prohibited conduct as defined in ORS 676.150 in the manner provided in ORS
 23 676.150.

24 (b) Any person may report to the [board] **State Board of Examiners for Speech-Language**
 25 **Pathology and Audiology or the Oregon Health Licensing Agency** any suspected violation of this
 26 chapter.

27 (2) A person who has made a complaint as to the conduct of an applicant[,] **for a license in or**
 28 **a licensee or conditional licensee of [the board] speech-language pathology or audiology** or who
 29 has given information or testimony relative to a proposed or pending proceeding for misconduct
 30 against the applicant, licensee or conditional licensee [of the board] is not answerable for any such
 31 act in any proceeding except for perjury.

32
 33 **STATE BOARD OF CHIROPRACTIC EXAMINERS**

34
 35 **(Transfer)**

36
 37 **SECTION 118.** **The duties, functions and powers of the State Board of Chiropractic Ex-**
 38 **aminers relating to the responsibilities listed in ORS 676.607 (1) and reflected in the amend-**
 39 **ments to statutes by sections 125 to 141 of this 2013 Act are imposed upon, transferred to**
 40 **and vested in the Oregon Health Licensing Agency.**

41
 42 **(Records, Property, Employees)**

43
 44 **SECTION 119.** (1) **The State Board of Chiropractic Examiners shall:**

45 (a) **Deliver to the Oregon Health Licensing Agency all records and property within the**

1 jurisdiction of the board that relate to the duties, functions and powers transferred by sec-
 2 tion 118 of this 2013 Act; and

3 (b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily
 4 in the exercise of the duties, functions and powers transferred by section 118 of this 2013
 5 Act.

6 (2) The Director of the Oregon Health Licensing Agency shall take possession of the re-
 7 cords and property, and shall take charge of the employees and employ them in the exercise
 8 of the duties, functions and powers transferred by section 118 of this 2013 Act, without re-
 9 duction of compensation but subject to change or termination of employment or compen-
 10 sation as provided by law.

11 (3) The Governor shall resolve any dispute between the State Board of Chiropractic Ex-
 12 aminers and the Oregon Health Licensing Agency relating to transfers of records, property
 13 and employees under this section, and the Governor's decision is final.

14
 15 (Unexpended Revenues)

16
 17 SECTION 120. (1) The State Board of Chiropractic Examiners Account is abolished.

18 (2) The unexpended balances of amounts authorized to be expended by the State Board
 19 of Chiropractic Examiners for the biennium beginning July 1, 2013, from revenues dedicated,
 20 continuously appropriated, appropriated or otherwise made available for the purpose of ad-
 21 ministering and enforcing the duties, functions and powers transferred by section 118 of this
 22 2013 Act are transferred to and are available for expenditure by the Oregon Health Licensing
 23 Agency for the biennium beginning July 1, 2013, for the purpose of administering and en-
 24 forcing the duties, functions and powers transferred by section 118 of this 2013 Act.

25 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
 26 expenditures by the State Board of Chiropractic Examiners remain applicable to expenditures
 27 by the Oregon Health Licensing Agency under this section.

28
 29 (Action, Proceeding, Prosecution)

30
 31 SECTION 121. The transfer of duties, functions and powers to the Oregon Health Li-
 32 censing Agency by section 118 of this 2013 Act does not affect any action, proceeding or
 33 prosecution involving or with respect to such duties, functions and powers begun before and
 34 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
 35 substituted for the State Board of Chiropractic Examiners in the action, proceeding or
 36 prosecution.

37
 38 (Liability, Duty, Obligation)

39
 40 SECTION 122. (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
 41 gation accruing under or with respect to the duties, functions and powers transferred by
 42 section 118 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
 43 lection or enforcement of any such liability, duty or obligation.

44 (2) The rights and obligations of the State Board of Chiropractic Examiners legally in-
 45 curred under contracts, leases and business transactions executed, entered into or begun

1 before the operative date of section 118 of this 2013 Act accruing under or with respect to
 2 the duties, functions and powers transferred by section 118 of this 2013 Act are transferred
 3 to the Oregon Health Licensing Agency. For the purpose of succession to these rights and
 4 obligations, the Oregon Health Licensing Agency is a continuation of the State Board of
 5 Chiropractic Examiners and not a new authority.

6
 7 (Rules)

8
 9 **SECTION 123.** Notwithstanding the transfer of duties, functions and powers by section
 10 118 of this 2013 Act, the rules of the State Board of Chiropractic Examiners with respect to
 11 such duties, functions or powers that are in effect on the operative date of section 118 of this
 12 2013 Act continue in effect until superseded or repealed by rules of the Oregon Health Li-
 13 censing Agency. References in such rules of the State Board of Chiropractic Examiners to
 14 the State Board of Chiropractic Examiners or an officer or employee of the State Board of
 15 Chiropractic Examiners are considered to be references to the Oregon Health Licensing
 16 Agency or an officer or employee of the Oregon Health Licensing Agency.

17 **SECTION 124.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 18 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 19 the context of the duties, functions and powers transferred by section 118 of this 2013 Act,
 20 reference is made to the State Board of Chiropractic Examiners, or an officer or employee
 21 of the State Board of Chiropractic Examiners, whose duties, functions or powers are trans-
 22 ferred by section 118 of this 2013 Act, the reference is considered to be a reference to the
 23 Oregon Health Licensing Agency or an officer or employee of the Oregon Health Licensing
 24 Agency who by this 2013 Act is charged with carrying out such duties, functions and powers.

25
 26 (Amendments to Statutes)

27
 28 **SECTION 125.** ORS 684.040, as amended by section 14, chapter 43, Oregon Laws 2012, is
 29 amended to read:

30 684.040. (1) Any person applying for a license to practice chiropractic in this state shall make
 31 application to the [*State Board of Chiropractic Examiners, upon such form and in such manner as*
 32 *may be provided by the board*] **Oregon Health Licensing Agency in a form and manner pre-**
 33 **scribed by the agency.** The application must be accompanied by nonrefundable fees of:

34 (a) \$150; and

35 (b) The amount established by the [*board*] **State Board of Chiropractic Examiners** by rule
 36 under ORS 181.534.

37 (2) Each applicant shall furnish to the [*board*] **agency**:

38 (a) Evidence satisfactory to the [*board*] **agency** of the applicant's good moral character.

39 (b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January
 40 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

41 (c) Evidence of successful completion of at least two years of liberal arts and sciences study, in
 42 any college or university accredited by either the Northwest Association of Schools and Colleges
 43 or a like regional association or in any college or university in Oregon approved for granting de-
 44 grees by the Oregon Student Access Commission.

45 (d) A diploma and transcript, certified by the registrar, or other documents satisfactory to the

1 [State Board of Chiropractic Examiners] **agency** evidencing graduation from a chiropractic school
 2 or college approved by the board under the board's academic standards, or from a school accredited
 3 by the Council on Chiropractic Education or its successor agency, under standards that are ac-
 4 cepted and adopted biennially by the board in the version applied to that school by the accrediting
 5 agency.

6 (e) A statement of any other health care provider license in this state held by the applicant,
 7 with identifying information required by the [State] board [of Chiropractic Examiners] **by rule**.

8 (3) An applicant meets the requirements of subsection (2)(c) or (d) of this section if the applicant
 9 provides the [State Board of Chiropractic Examiners] **agency** with documentation of military training
 10 or experience that the [board] **agency** determines, **in accordance with rules adopted by the**
 11 **board**, is substantially equivalent to the education required by subsection (2)(c) or (d) of this section.

12 (4) [The State Board of Chiropractic Examiners] **In accordance with rules adopted by the**
 13 **board, the agency** may waive the requirements of subsection (2)(c) of this section for any applicant
 14 for a license to practice chiropractic if the applicant is licensed in another state and practiced
 15 chiropractic in that state, but the applicant must pass the examination authorized by ORS 684.050
 16 or by ORS 684.052.

17 **SECTION 125a.** ORS 684.050 is amended to read:

18 684.050. (1) Examinations for license to practice chiropractic shall be made by the State Board
 19 of Chiropractic Examiners according to the method deemed to be the most practicable to test the
 20 applicant's qualifications.

21 (2) The board shall give an examination on subjects described in subsection (3) of this section.
 22 The board shall determine the passing score. The applicant shall, however, be given credit for all
 23 sections passed. The board may authorize an applicant to retake all or part of an examination upon
 24 payment **to the Oregon Health Licensing Agency** of a fee not to exceed \$100.

25 (3) The schedule of minimum educational requirements to enable any person to practice
 26 chiropractic in this state includes the basic science subjects of anatomy, physiology, chemistry,
 27 pathology and public health and hygiene; also the clinical subjects of physical diagnosis, differential
 28 diagnosis, laboratory diagnosis, theory and practice of chiropractic, nutrition and dietetics,
 29 physiotherapy, electrotherapy, hydrotherapy, chiropractic orthopedics, written and practical
 30 roentgenology, eye-ear-nose-throat, proctology, obstetrics and gynecology, minor surgery,
 31 jurisprudence, psychology, office procedure and other subjects that the board may, from time to
 32 time, require, except internal medicine and major surgery. The minimum number of academic hours
 33 in an approved chiropractic college may not be less than 4,200 or the equivalent requirement in
 34 semester or quarter credits. The board may recognize a national chiropractic testing agency for
 35 grades received in both basic science and clinical subjects.

36 **SECTION 126.** ORS 684.054 is amended to read:

37 684.054. (1) Upon complying with ORS 684.040, and earning a passing grade on the examination
 38 [authorized] **administered or accepted by the State Board of Chiropractic Examiners under**
 39 ORS 684.050 or 684.052, an applicant shall be licensed **by the Oregon Health Licensing Agency**
 40 as a chiropractic physician upon payment of a fee of \$100 unless the [State Board of Chiropractic
 41 Examiners] **agency** refuses to grant the license on grounds specified in ORS 684.100.

42 (2) Every chiropractic physician shall promptly notify the [board] **agency** of any change in the
 43 professional address of the chiropractic physician.

44 (3) After meeting the standards of the board established under ORS 684.155 for ancillary per-
 45 sonnel, an applicant shall be certified **by the agency** as ancillary personnel upon payment of a fee

1 of \$50. The annual renewal fee for the certificate is \$50. In addition, the [board] **agency** may charge
 2 an application fee of \$25 and an examination fee of \$35.

3 **SECTION 127.** ORS 684.060 is amended to read:

4 684.060. A person licensed to practice chiropractic under the laws of any other state who dem-
 5 onstrates to the satisfaction of the [State Board of Chiropractic Examiners] **Oregon Health Li-**
 6 **censing Agency** that the person possesses qualifications at least equal to those required of persons
 7 eligible for [licensing] **licensure** under this chapter and who meets the requirements of ORS 684.040
 8 may be issued a license to practice in this state without examination upon payment of a fee of \$100.
 9 [In addition, the board may fix] **The State Board of Chiropractic Examiners may adopt by rule**
 10 the minimum number of years of practice required to qualify for a license under this section.

11 **SECTION 128.** ORS 684.090 is amended to read:

12 684.090. (1) In addition to meeting the requirements of ORS 684.092, each person practicing
 13 chiropractic within this state shall, on or before the renewal date of each year after a license is
 14 issued to the person, pay to the [State Board of Chiropractic Examiners] **Oregon Health Licensing**
 15 **Agency** an annual registration fee in an amount determined by rule of the State Board of
 16 Chiropractic Examiners [and approved by the Oregon Department of Administrative Services].

17 (2) The maximum annual registration fee for a person actively practicing chiropractic may not
 18 exceed \$300.

19 (3) The maximum annual registration fee for a person not actively practicing chiropractic may
 20 not exceed \$175.

21 (4) The maximum annual registration fee for an active senior may not exceed 75 percent of the
 22 annual active registration fee.

23 (5) The [board] **agency**, at least 30 days prior to the renewal date, shall mail to the last-known
 24 professional address of each licensed chiropractor in this state a notice of the requirements of ORS
 25 684.092 and that the registration fee will be due on or before the renewal date next following.

26 (6) The annual registration fee is payable only by personal, corporate or certified check, by
 27 money order or by credit card.

28 (7) The failure, neglect or refusal of any person holding a license or certificate to practice under
 29 this chapter to pay the annual fee and to show compliance with or exemption from the requirement
 30 of ORS 684.092 during the time the license remains in force shall cause the license to expire after
 31 a period of 30 days from the renewal date of the year for which the failure occurs.

32 (8) The licenses not renewed on time shall not be renewed except upon written application and
 33 a payment to the [board] **agency** of the fee for the license category plus a delinquent fee of \$100 for
 34 each week or portion thereof, not to exceed \$500, and upon compliance with or exemption from the
 35 requirements of ORS 684.092. A licensee who pays the annual renewal fee and shows compliance or
 36 exemption within 12 months of the expiration date of the license shall not be required to submit to
 37 an examination for the reissuance of a license.

38 **SECTION 129.** ORS 684.092 is amended to read:

39 684.092. (1) Except as provided in subsection (3) of this section, a chiropractic physician sub-
 40 mitting a fee under ORS 684.090 shall, at the same time, [verify with] **submit** satisfactory evidence
 41 **to the Oregon Health Licensing Agency of** the successful completion of [approved] continuing
 42 chiropractic education **approved by the State Board of Chiropractic Examiners** during the pre-
 43 ceding 12-month period as provided in subsection (2) of this section and completion, or documenta-
 44 tion of previous completion, of:

45 (a) A pain management education program approved by the [State] board [of Chiropractic Ex-

1 *aminers]* and developed in conjunction with the Pain Management Commission established under
 2 ORS 413.570; or

3 (b) An equivalent pain management education program, as determined by the board.

4 (2) A chiropractic physician submitting a fee under ORS 684.090 shall verify completion during
 5 the previous 12-month period of:

6 (a) At least 20 hours of approved continuing chiropractic education, for a person actively prac-
 7 ticing chiropractic.

8 (b) At least six hours of approved continuing chiropractic education, for an active senior.

9 (3) **In accordance with rules adopted by** the [State] board [of *Chiropractic Examiners*], **the**
 10 **agency** may exempt a chiropractic physician from the requirements of subsection (1) of this section
 11 upon an application by the chiropractic physician showing by evidence satisfactory to the [board]
 12 **agency** that the chiropractic physician is unable to comply with the requirements because of unu-
 13 usual or extenuating circumstances or because no program has been approved by the board.

14 **SECTION 130.** ORS 684.094 is amended to read:

15 684.094. (1) [*The State Board of Chiropractic Examiners shall require*] A person seeking approval
 16 of a program of continuing chiropractic education [*to submit proof*] **shall submit proof to the**
 17 **Oregon Health Licensing Agency** that the course complies with the continuing education re-
 18 quirements established by the [board] **State Board of Chiropractic Examiners.**

19 (2) The board may approve **by rule** any program covering new, review, experimental, research
 20 or specialty subjects in the field of chiropractic to be presented by persons reasonably qualified to
 21 do so.

22 (3) Approval granted to a program under subsection (2) of this section shall be reviewed peri-
 23 odically and approval shall be withdrawn from a program that fails to meet the requirements of the
 24 board.

25 **SECTION 131.** ORS 684.100 is amended to read:

26 684.100. (1) [*The State Board of Chiropractic Examiners*] **In addition to the sanctions described**
 27 **in ORS 676.612, the Oregon Health Licensing Agency** may refuse to grant a license to [*any*] **an**
 28 **applicant for licensure under this chapter** or may discipline a person **subject to the provisions**
 29 **of this chapter** upon any of the following grounds:

30 (a) Fraud or misrepresentation.

31 (b) The practice of chiropractic under a false or assumed name.

32 (c) The impersonation of another practitioner of like or different name.

33 (d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of
 34 conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of
 35 the conviction.

36 (e) Impairment as defined in ORS 676.303.

37 (f) Unprofessional or dishonorable conduct, including but not limited to:

38 (A) Any conduct or practice contrary to recognized standard of ethics of the chiropractic pro-
 39 fession or any conduct or practice that does or might constitute a danger to the health or safety
 40 of a patient or the public or any conduct, practice or condition that does or might adversely affect
 41 a physician's ability safely and skillfully to practice chiropractic.

42 (B) Willful ordering or performance of unnecessary laboratory tests or studies; administration
 43 of unnecessary treatment; failure to obtain consultations or perform referrals when failing to do so
 44 is not consistent with the standard of care; or otherwise ordering or performing any chiropractic
 45 service, X-ray or treatment that is contrary to recognized standards of practice of the chiropractic

- 1 profession.
- 2 (C) Gross malpractice or repeated malpractice.
- 3 (g) Failing to notify the [board] **agency** of a change in location of practice as provided in ORS
- 4 684.054.
- 5 (h) Representing to a patient that a manifestly incurable condition of sickness, disease or injury
- 6 can be permanently cured.
- 7 (i) The use of any advertising making untruthful, improper, misleading or deceptive statements.
- 8 (j) The advertising of techniques or modalities to infer or imply superiority of treatment or di-
- 9 agnosis by the use thereof that cannot be conclusively proven *[to the satisfaction of the board]* **as**
- 10 **determined by the State Board of Chiropractic Examiners by rule.**
- 11 (k) Knowingly permitting or allowing any person to use the license of the person in the practice
- 12 of any system or mode of treating the sick.
- 13 (L) Advertising either in the name of the person or under the name of another person, clinic or
- 14 concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper
- 15 or document, professing superiority to or a greater skill than that possessed by other chiropractic
- 16 physicians that cannot be conclusively proven *[to the satisfaction of the board]* **as determined by**
- 17 **the board by rule.**
- 18 (m) Aiding or abetting the practice of any of the healing arts by an unlicensed person.
- 19 (n) The use of the name of the person under the designation, "Doctor," "Dr.," "D.C.,"
- 20 "Chiropractor," "Chiropractic D.C.," "Chiropractic Physician," or "Ph.C.," or any similar desig-
- 21 nation with reference to the commercial exploitation of any goods, wares or merchandise.
- 22 (o) The advertising or holding oneself out to treat diseases or other abnormal conditions of the
- 23 human body by any secret formula, method, treatment or procedure.
- 24 (p) Violation of any provision of this chapter or any rule adopted thereunder.
- 25 (q) Gross incompetency or gross negligence.
- 26 (r) The suspension or revocation by another state of a license to practice chiropractic, based
- 27 upon acts by the licensee similar to acts described in this section. A certified copy of the record
- 28 of suspension or revocation of the state making the suspension or revocation is conclusive evidence
- 29 thereof.
- 30 (s) Failing to give prior notice to patients of the permanent or temporary closure of the
- 31 physician's practice or failing to give reasonable access to the records and files of the physician's
- 32 patients at any time.
- 33 (t) The suspension or revocation by another licensing board in the state of a license to practice
- 34 as another type of health care provider.
- 35 (u) An act or conduct that results in a judgment of wrongdoing by a court of competent juris-
- 36 diction in any state or a finding of wrongdoing in an administrative proceeding in any state. The
- 37 act or conduct must be rationally connected to the ability to practice chiropractic or chiropractic
- 38 assisting.
- 39 (2) The [board] **agency** may, at any time two years or more after the refusal, revocation or
- 40 cancellation of registration under this section, *[by a majority vote,]* issue a license restoring to or
- 41 conferring on the person all the rights and privileges of the practice of chiropractic as defined and
- 42 regulated by this chapter. Any person to whom those rights have been restored shall pay to the
- 43 [board] **agency** the annual registration fee for the license category plus one-half thereof.
- 44 (3) If the [board] **agency** determines that a chiropractic physician's continuation in practice
- 45 would constitute a serious danger to the public, the [board] **agency** may suspend the license of the

1 chiropractic physician without a hearing. Simultaneously with the order of suspension, the [board]
 2 **agency** must institute proceedings for a hearing provided under this section and the suspension may
 3 continue unless injunctive relief is obtained from a court of competent jurisdiction showing just
 4 cause or undue burden under the circumstances existing.

5 [(4) *If a physician refuses a written request for an informal interview with the board, the board*
 6 *shall have grounds to suspend or revoke the license of a physician pursuant to this section.*]

7 [(5) *Prior to or following an informal interview as described in this section, the board may request*
 8 *any Oregon licensed chiropractic physician in good standing to assist the board in preparing for or*
 9 *conducting any professional competency examination as the board may deem appropriate.*]

10 [(6) *Notwithstanding any other provisions of ORS 684.010, 684.040, 684.050, 684.090, 684.100,*
 11 *684.112, 684.130, 684.150 and 684.155, the board may at any time direct and order a professional com-*
 12 *petency examination limited to the area of practice out of which a specific complaint has arisen and*
 13 *make an investigation, including the taking of depositions or otherwise in order to fully inform itself*
 14 *with respect to the performance or conduct of a physician licensed under ORS 684.010, 684.040, 684.050,*
 15 *684.090, 684.100, 684.112, 684.130, 684.150 and 684.155.*]

16 [(7)] (4) If the [board] **agency** has reasonable cause to believe that any:

17 (a) Chiropractic physician is or may be unable to practice with reasonable skill and safety to
 18 patients, the [board] **agency** may[:]

19 [(A)] cause a competency examination, **to be developed by the board in accordance with ORS**
 20 **684.185 and rules adopted by the board**, of the physician for purposes of determining the
 21 physician's fitness to practice chiropractic with reasonable skill and safety to patients[: or]

22 [(B) *Require the fingerprints and relevant personal history data of the physician for the purpose*
 23 *of requesting a state or nationwide criminal records check under ORS 181.534.*]

24 (b) Person certified to provide physiotherapy, electrotherapy or hydrotherapy pursuant to ORS
 25 684.155 [(1)(c)] (1)(a)(C) is or may be unable to provide the therapies with reasonable skill and safety
 26 to patients, the [board] **agency** may[:]

27 [(A)] cause a competency examination, **to be developed by the board in accordance with ORS**
 28 **684.185 and rules adopted by the board**, of the person for purposes of determining the person's
 29 fitness to provide the therapies with reasonable skill and safety to patients[: or]

30 [(B) *Require the fingerprints and relevant personal history data of the person for the purpose of*
 31 *requesting a state or nationwide criminal records check under ORS 181.534.*]

32 [(8)] (5) Refusal by any person to take or appear for a competency examination scheduled by the
 33 [board] **agency** or to submit fingerprints and relevant personal history data as required by the
 34 [board] **agency** under subsection [(7)] (4) of this section shall constitute grounds for disciplinary
 35 action.

36 [(9)] (6) In disciplining a person as authorized by subsection (1) of this section, the [board may
 37 use any or all of the following methods] **agency may impose any of the following sanctions:**

38 (a) Suspend judgment.

39 (b) Place the person on probation.

40 (c) Suspend the license of the person to practice chiropractic in this state.

41 (d) Revoke the license of the person to practice chiropractic in this state.

42 (e) Place limitations on the license of the person to practice chiropractic in this state.

43 (f) Impose a civil penalty not to exceed \$10,000.

44 (g) Take other disciplinary action as the [board] **agency** in its discretion finds proper, including
 45 assessment of the costs of the disciplinary proceedings.

1 [(10)(a)] **(7)(a)** Any information that the [board] **agency** obtains pursuant to **this section and**
 2 ORS [684.100,] 684.112 and 684.155 [(9)] **(2)** is confidential as provided under [ORS 676.175] **section**
 3 **8 of this 2013 Act.**

4 (b) Any person who reports or provides information to the **agency or board under this section**
 5 **and** ORS 684.090, [684.100,] 684.112, 684.150 and 684.155 and who provides information in good faith
 6 shall not be subject to an action for civil damages as a result thereof.

7 **SECTION 132.** ORS 684.105 is amended to read:

8 684.105. (1) Where the [State Board of Chiropractic Examiners] **Oregon Health Licensing**
 9 **Agency** proposes to refuse to issue a license **under this chapter**, or proposes to revoke or suspend
 10 a license **under this chapter**, opportunity for hearing shall be accorded as provided in ORS chapter
 11 183.

12 (2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS
 13 chapter 183.

14 **SECTION 133.** ORS 684.112 is amended to read:

15 684.112. A person licensed under this chapter, who is also licensed to practice any other healing
 16 art, shall maintain in-office and patient records and files, the services provided to the patient, di-
 17 agnostic and therapeutic procedures employed, the nature of such procedures and services and
 18 whether such procedures and services were rendered as a chiropractor. Such records pertaining to
 19 a specific complaint shall be submitted to the [State Board of Chiropractic Examiners] **Oregon**
 20 **Health Licensing Agency** for inspection at its request.

21 **SECTION 134.** ORS 684.150 is amended to read:

22 684.150. (1) The State Board of Chiropractic Examiners shall adopt a seal which shall be affixed
 23 to all licenses issued by it. The board shall from time to time adopt such rules as it deems proper
 24 and necessary for the administration of this chapter and the performance of its work. [*Upon receipt*
 25 *of a complaint, the board has authority to make investigations, administer oaths, take affidavits, sum-*
 26 *mon witnesses, and require the production of evidence, documents and records pertaining to the com-*
 27 *plaint. The board may also take testimony as to matters pertaining to its duties and for the*
 28 *administration of this chapter.*] A majority of the board constitutes a quorum.

29 (2) The board shall meet as a board of examiners during the months of January and July each
 30 year on such days and at such times and places as may be found necessary for the performance of
 31 its duties.

32 (3) The board shall adopt a schedule of minimum educational requirements, which shall be
 33 without prejudice or discrimination as to the different colleges teaching chiropractic.

34 **(4) Upon receipt of a complaint under this chapter, the board shall report the complaint**
 35 **to the Oregon Health Licensing Agency. Any information the agency or board obtains under**
 36 **this subsection is confidential as provided under section 8 of this 2013 Act.**

37 **SECTION 135.** ORS 684.155 is amended to read:

38 684.155. (1) In addition to any other powers granted by this chapter, the State Board of
 39 Chiropractic Examiners may:

40 [(1)] **(a)** Adopt necessary and proper rules:

41 [(a)] **(A)** Establishing standards and tests to determine the moral, intellectual, educational, sci-
 42 entific, technical and professional qualifications of applicants for licenses to practice in this state.

43 [(b)] **(B)** To enforce the provisions of this chapter and to exercise general supervision over the
 44 practice of chiropractic within this state.

45 [(c)(A)] **(C)(i)** To establish standards and procedures to certify ancillary personnel as qualified

1 to provide physiotherapy, electrotherapy or hydrotherapy under the direction of a chiropractic
 2 physician, and to establish continuing education requirements as a condition of maintaining such
 3 certification.

4 [(B)] (ii) As used in this [paragraph] **subparagraph**, “ancillary personnel” means a chiropractic
 5 physician’s staff personnel who are directed or designated, by spoken or written words or other
 6 means, to follow and carry out the chiropractic physician’s orders or directions.

7 [(2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and
 8 place persons on probation as provided in this chapter.]

9 [(3) Without the necessity of prior administrative proceedings or hearing and entry of an order or
 10 at any time during such proceedings if they have been commenced, institute proceedings to enjoin the
 11 practice of any person operating in violation of this chapter.]

12 [(4)] (b) Make its personnel and facilities available to other regulatory agencies of this state,
 13 or other bodies interested in the development and improvement of the practice of chiropractic in this
 14 state, upon such terms and conditions for reimbursement as are agreed to by the board and the
 15 other agency or body.

16 [(5)] (c) Determine the chiropractic schools, colleges and institutions and the training acceptable
 17 in connection with licensing under this chapter and approve residency, internship and other training
 18 programs carried on by chiropractic schools, colleges or institutions or chiropractic facilities.

19 [(6)] (d) Prescribe the time, place, method, manner, scope and subjects of examinations under
 20 this chapter.

21 [(7) Prescribe all forms that it considers appropriate for the purposes of this chapter, and Require
 22 the submission of photographs and relevant personal history data by applicants for licenses to practice
 23 chiropractic in this state.]

24 [(8) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534
 25 require each applicant for a license or certification, or renewal of a license or certification, to be fin-
 26 gerprinted.]

27 [(9) Subject to ORS 684.150, administer oaths, issue notices and subpoenas in the name of the
 28 board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such
 29 other acts as are reasonably necessary to carry out its duties under this chapter.]

30 [(10)] (e) Establish specialty certificate requirements within the practice of chiropractic, adopt
 31 rules applicable to specialty certification and require specialty certification for chiropractic physi-
 32 cians engaging in practices identified by the board as requiring specialty certification.

33 **(2) In addition to any other powers granted by this chapter, the Oregon Health Licensing
 34 Agency may:**

35 **(a) Upon receipt of a complaint relating to the practice of chiropractic, make investi-
 36 gations, administer oaths, take affidavits, summon witnesses, and require the production of
 37 evidence, documents and records pertaining to the complaint.**

38 **(b) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of pro-
 39 ceedings and place persons on probation as provided in this chapter.**

40 **(c) Without the necessity of prior administrative proceedings or hearing and entry of an
 41 order, or at any time during such proceedings if they have been commenced, institute pro-
 42 ceedings to enjoin the practice of any person operating in violation of this chapter.**

43 **(d) Develop forms for making applications to practice chiropractic in this state and re-
 44 quire the submission of photographs and relevant personal history data as part of such ap-
 45 plications.**

1 **SECTION 136.** ORS 684.156 is amended to read:

2 684.156. The lapse, suspension or revocation of a license issued under ORS chapter 684 by the
 3 operation of law or by order of the [*State Board of Chiropractic Examiners*] **Oregon Health Li-**
 4 **censing Agency** or by the decision of a court of law, or the voluntary surrender of a license by a
 5 licensee, shall not deprive the [*board*] **agency** of jurisdiction to proceed with any investigation of
 6 or any action or disciplinary proceeding against the licensee or to revise or render null and void
 7 an order of disciplinary action against the licensee.

8 **SECTION 137.** ORS 684.160 is amended to read:

9 684.160. (1) A member of the State Board of Chiropractic Examiners is entitled to compensation
 10 and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board
 11 members for the performance of official duties at a rate that is greater than the rate provided in
 12 ORS 292.495.

13 (2) Such per diem and mileage, and other incidental expenses necessarily connected with the
 14 board shall be paid out of the [*account of the State Board of Chiropractic Examiners and not other-*
 15 *wise*] **Oregon Health Licensing Agency Account.**

16 **SECTION 138.** ORS 684.171 is amended to read:

17 684.171. [*All moneys received by the State Board of Chiropractic Examiners under this chapter*
 18 *shall be paid into the General Fund in the State Treasury and placed to the credit of the State Board*
 19 *of Chiropractic Examiners Account which is hereby established and such moneys are appropriated*
 20 *continuously and shall be used only for the administration and enforcement of this chapter.*] **All**
 21 **moneys received by the Oregon Health Licensing Agency under this chapter shall be depos-**
 22 **ited in the Oregon Health Licensing Agency Account and are continuously appropriated to**
 23 **the agency for the administration and enforcement of this chapter.**

24 **SECTION 139.** ORS 684.185 is amended to read:

25 684.185. (1) The State Board of Chiropractic Examiners shall appoint and form peer review
 26 committees. The peer review committee shall evaluate complaints against chiropractic physicians
 27 that are referred to it by the board and report to the [*board*] **Oregon Health Licensing Agency**
 28 regarding those complaints.

29 (2) The members of a peer review committee shall be appointed from among those in the pro-
 30 fession who are in active practice with five or more years of practice representing various ge-
 31 ographic areas in this state. Members shall be representative of affiliated and nonaffiliated
 32 chiropractic physicians and representative of various aspects of the practice of chiropractic. To be
 33 appointed a member must receive at least four votes from members of the state board. Members
 34 shall serve three-year terms. No member may serve more than two consecutive terms.

35 (3) The peer review process shall be governed by rules of the [*state*] board adopted pursuant to
 36 ORS chapter 183. The [*state*] board shall provide appropriate training for members of peer review
 37 committees.

38 (4) Members of a peer review committee acting pursuant to this section are agents of the
 39 [*state*] board and are subject to provisions of ORS 30.260 to 30.300.

40 (5) Peer review shall not be used to replace independent medical examinations.

41 (6) Upon receipt of a complaint under this chapter, the peer review committee shall conduct an
 42 investigation as [*described*] **authorized** under ORS 676.165.

43 (7) Any information provided to a peer review committee in the performance of its duties is
 44 confidential and shall not be subject to public disclosure or admissible as evidence in any judicial
 45 proceeding, except that as a part of a peer review report, [*this*] **the** information may be disclosed

1 to the [*state board*] **agency** and the person being reviewed who may then use the information in any
 2 disciplinary or court proceeding brought by the [*board*] **agency**. Peer review committee information
 3 that becomes part of the record of [*a board*] **an agency** investigation into licensee or applicant
 4 conduct or part of a contested case proceeding, consent order or stipulated agreement involving
 5 licensee or applicant conduct is confidential as provided under [*ORS 676.175*] **section 8 of this 2013**
 6 **Act**.

7 (8) Any person who reports or provides information to a peer review committee in the perform-
 8 ance of its duties and who provides information in good faith shall not be subject to an action for
 9 civil damages as a result thereof.

10 **SECTION 140.** ORS 684.190 is amended to read:

11 684.190. (1) The district attorneys shall prosecute all persons charged with violation of any of
 12 the provisions of this chapter. The [*executive director of the State Board of Chiropractic Examiners,*
 13 *under the direction of the board,*] **Director of the Oregon Health Licensing Agency** shall aid the
 14 district attorneys in the enforcement of this chapter.

15 (2) The justice courts of the several counties have concurrent jurisdiction with the circuit courts
 16 in the enforcement of this chapter.

17 **SECTION 141.** ORS 684.200 is amended to read:

18 684.200. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health
 19 information prohibit disclosure, any licensee licensed by the State Board of Chiropractic Examiners
 20 shall report any suspected violation of this chapter or any prohibited conduct as defined in ORS
 21 676.150 in the manner provided in ORS 676.150.

22 (b) Any person may report to the **Oregon Health Licensing Agency or the board** any sus-
 23 pected violation of this chapter.

24 (2) Information pertaining to a report required by subsection (1) of this section shall remain
 25 confidential and is not subject to public disclosure except as considered necessary by the **agency**
 26 **or board** in the enforcement of this chapter.

27 (3) Any person who reports or provides information to the **agency or board** under this section
 28 in good faith is not subject to an action for civil damages as a result thereof.

29
 30 **OREGON BOARD OF NATUROPATHIC MEDICINE**

31
 32 **(Transfer)**

33
 34 **SECTION 142.** **The duties, functions and powers of the Oregon Board of Naturopathic**
 35 **Medicine relating to the responsibilities listed in ORS 676.607 (1) and reflected in the**
 36 **amendments to statutes by sections 149 to 167 of this 2013 Act are imposed upon, transferred**
 37 **to and vested in the Oregon Health Licensing Agency.**

38
 39 **(Records, Property, Employees)**

40
 41 **SECTION 143.** (1) **The Oregon Board of Naturopathic Medicine shall:**

42 (a) **Deliver to the Oregon Health Licensing Agency all records and property within the**
 43 **jurisdiction of the board that relate to the duties, functions and powers transferred by sec-**
 44 **tion 142 of this 2013 Act; and**

45 (b) **Transfer to the Oregon Health Licensing Agency those employees engaged primarily**

1 in the exercise of the duties, functions and powers transferred by section 142 of this 2013
2 Act.

3 (2) The Director of the Oregon Health Licensing Agency shall take possession of the re-
4 cords and property, and shall take charge of the employees and employ them in the exercise
5 of the duties, functions and powers transferred by section 142 of this 2013 Act, without re-
6 duction of compensation but subject to change or termination of employment or compen-
7 sation as provided by law.

8 (3) The Governor shall resolve any dispute between the Oregon Board of Naturopathic
9 Medicine and the Oregon Health Licensing Agency relating to transfers of records, property
10 and employees under this section, and the Governor's decision is final.

11
12 (Unexpended Revenues)

13
14 **SECTION 144.** (1) The Oregon Board of Naturopathic Medicine Account is abolished.

15 (2) The unexpended balances of amounts authorized to be expended by the Oregon Board
16 of Naturopathic Medicine for the biennium beginning July 1, 2013, from revenues dedicated,
17 continuously appropriated, appropriated or otherwise made available for the purpose of ad-
18 ministering and enforcing the duties, functions and powers transferred by section 142 of this
19 2013 Act are transferred to and are available for expenditure by the Oregon Health Licensing
20 Agency for the biennium beginning July 1, 2013, for the purpose of administering and en-
21 forcing the duties, functions and powers transferred by section 142 of this 2013 Act.

22 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
23 expenditures by the Oregon Board of Naturopathic Medicine remain applicable to expen-
24 ditures by the Oregon Health Licensing Agency under this section.

25
26 (Action, Proceeding, Prosecution)

27
28 **SECTION 145.** The transfer of duties, functions and powers to the Oregon Health Li-
29 censing Agency by section 142 of this 2013 Act does not affect any action, proceeding or
30 prosecution involving or with respect to such duties, functions and powers begun before and
31 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
32 substituted for the Oregon Board of Naturopathic Medicine in the action, proceeding or
33 prosecution.

34
35 (Liability, Duty, Obligation)

36
37 **SECTION 146.** (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
38 gation accruing under or with respect to the duties, functions and powers transferred by
39 section 142 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
40 lection or enforcement of any such liability, duty or obligation.

41 (2) The rights and obligations of the Oregon Board of Naturopathic Medicine legally in-
42 curred under contracts, leases and business transactions executed, entered into or begun
43 before the operative date of section 142 of this 2013 Act accruing under or with respect to
44 the duties, functions and powers transferred by section 142 of this 2013 Act are transferred
45 to the Oregon Health Licensing Agency. For the purpose of succession to these rights and

1 obligations, the Oregon Health Licensing Agency is a continuation of the Oregon Board of
 2 Naturopathic Medicine and not a new authority.

3
 4 (Rules)

5
 6 **SECTION 147.** Notwithstanding the transfer of duties, functions and powers by section
 7 142 of this 2013 Act, the rules of the Oregon Board of Naturopathic Medicine with respect
 8 to such duties, functions or powers that are in effect on the operative date of section 142 of
 9 this 2013 Act continue in effect until superseded or repealed by rules of the Oregon Health
 10 Licensing Agency. References in such rules of the Oregon Board of Naturopathic Medicine
 11 to the Oregon Board of Naturopathic Medicine or an officer or employee of the Oregon Board
 12 of Naturopathic Medicine are considered to be references to the Oregon Health Licensing
 13 Agency or an officer or employee of the Oregon Health Licensing Agency.

14 **SECTION 148.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 15 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 16 the context of the duties, functions and powers transferred by section 142 of this 2013 Act,
 17 reference is made to the Oregon Board of Naturopathic Medicine, or an officer or employee
 18 of the Oregon Board of Naturopathic Medicine, whose duties, functions or powers are
 19 transferred by section 142 of this 2013 Act, the reference is considered to be a reference to
 20 the Oregon Health Licensing Agency or an officer or employee of the Oregon Health Li-
 21 censing Agency who by this 2013 Act is charged with carrying out such duties, functions and
 22 powers.

23
 24 (Amendments to Statutes)

25
 26 **SECTION 149.** ORS 685.070 is amended to read:

27 685.070. Any person who wishes to practice naturopathic medicine in this state shall make ap-
 28 plication to the [*Oregon Board of Naturopathic Medicine*] **Oregon Health Licensing Agency** for an
 29 examination for a license to practice naturopathic medicine. The application shall be filed with the
 30 [*board*] **agency** not less than 20 days before the date of the examination [*upon blanks*] **on a form**
 31 provided by the [*board*] **agency**. The applicant shall pay to the [*board*] **agency** the appropriate
 32 nonrefundable examination fee.

33 **SECTION 150.** ORS 685.080 is amended to read:

34 685.080. (1) An applicant for licensure under this chapter shall:

35 (a) Provide evidence satisfactory to the [*Oregon Board of Naturopathic Medicine*] **Oregon**
 36 **Health Licensing Agency** of having successfully passed the basic science and the core clinical
 37 science examinations administered by the North American Board of Naturopathic Examiners; and

38 (b) Pass any additional examinations required for licensure by the Oregon Board of
 39 Naturopathic Medicine by rule.

40 (2) Notwithstanding subsection (1)(a) of this section, the [*board may waive*] **agency may waive,**
 41 **in accordance with rules adopted by the board,** the basic science examination requirement for
 42 licensure for an applicant who is qualified in basic science as a result of successful performance on
 43 an examination determined by the board **by rule** to be comparable to the basic science examination
 44 required under subsection (1)(a) of this section and to have been taken recently enough to ensure
 45 the currency of the applicant's knowledge.

1 (3) At a time and place designated by the board, an applicant for licensure shall take any ex-
 2 aminations required by the board by rule. The board shall publish the time and place of the exam-
 3 inations at least 30 days prior to the date of the examinations.

4 (4) If the applicant passes the required examinations and satisfies all other requirements for
 5 licensure under this chapter, upon payment of the initial license fee assessed under ORS 685.100, the
 6 [board] **agency** shall issue to the applicant a license to practice naturopathic medicine.

7 (5) If an applicant fails an examination required under this section, the board may permit the
 8 applicant to take the examination again in accordance with rules adopted by the board.

9 **SECTION 151.** ORS 685.085 is amended to read:

10 685.085. A person licensed to practice naturopathic medicine under the laws of another state
 11 or territory of the United States, the District of Columbia or Canada who demonstrates to the sat-
 12 isfaction of the [*Oregon Board of Naturopathic Medicine*] **Oregon Health Licensing Agency** that the
 13 person possesses qualifications at least equal to those required of persons eligible for licensing un-
 14 der this chapter **and rules adopted by the Oregon Board of Naturopathic Medicine** may be is-
 15 sued a license to practice in this state without written examination upon payment of the license fee
 16 required under ORS 685.100.

17 **SECTION 152.** ORS 685.091 is amended to read:

18 685.091. (1) A naturopathic physician licensed to practice naturopathic medicine under the laws
 19 of another jurisdiction with licensing requirements and a scope of practice found to be comparable
 20 to those for this state by the [*Oregon Board of Naturopathic Medicine*] **Oregon Health Licensing**
 21 **Agency, or set forth as being comparable to those for this state by rule of the Oregon Board**
 22 **of Naturopathic Medicine**, may be exempted from the licensure requirement in ORS 685.020 if that
 23 physician:

24 (a) Is practicing in Oregon on a temporary assignment for specific educational events not to
 25 exceed 15 days in a calendar year; and

26 (b) Is actively engaged in the practice of naturopathic medicine in the jurisdiction in which the
 27 person is licensed.

28 (2) A naturopathic physician granted an exemption under subsection (1) of this section:

29 (a) Must comply with the provisions of this chapter and rules adopted by the board governing
 30 the practice of naturopathic medicine; and

31 (b) Is subject to the disciplinary authority of the [board] **agency** under ORS 685.110 for any vi-
 32 olation of the provisions of this chapter and of rules adopted by the board.

33 (3) The [board] **agency** may refuse to grant or may revoke an exemption of a naturopathic
 34 physician for a violation of the provisions of this chapter or of rules adopted by the board.

35 **SECTION 153.** ORS 685.100 is amended to read:

36 685.100. (1) Upon approval of an application for a licensure, the [*Oregon Board of Naturopathic*
 37 *Medicine*] **Oregon Health Licensing Agency** shall issue a license certificate that shall be displayed
 38 at all times in the office of the person to whom it was issued while the license is active.

39 (2) A person holding an active license issued under this chapter may apply to the [board] **agency**
 40 for license renewal. A completed renewal application consists of:

41 (a) A completed [board] **agency** renewal form containing any information required by the
 42 [board] **agency** to determine the applicant's eligibility, **as prescribed by the Oregon Board of**
 43 **Naturopathic Medicine by rule**, for license renewal;

44 (b) Proof of compliance with continuing education requirements set by the board; and

45 (c) Payment of the active license renewal fee established by the board under subsection (8) of

1 this section.

2 (3) Failure to submit a completed renewal application annually by December 31, or by such date
3 as may be specified by board rule, results in the lapse of the license. A lapsed license may be re-
4 stored by the [board] **agency** upon receipt, not more than 30 days after the license lapses, of a
5 completed renewal application and payment of the restoration fee under subsection (8) of this sec-
6 tion.

7 (4) A license that has lapsed for more than one month may be restored by the [board] **agency**
8 upon payment of the restoration fee established by the board **by rule** and submission of a completed
9 renewal application and any other information required by the [board] **agency to determine the**
10 **applicant's eligibility, as prescribed by the board by rule, for license restoration.**

11 (5) A person holding an active license under this chapter may convert the license to inactive
12 status by meeting the requirements set by rule of the board and **making application and** paying
13 any required fees **to the agency**. A person holding a license issued under this chapter who is at
14 least 70 years of age and retired from the practice of naturopathic medicine may convert the license
15 to retired status by meeting the requirements set by rule of the board and **making application and**
16 paying any required fees **to the agency**.

17 (6)(a) A person who chooses to allow a license to become inactive may file a written application
18 **with the agency** to reactivate a license that has been inactive for one year or less by paying the
19 restoration fee and the renewal fee for an active license and demonstrating compliance with ORS
20 685.102. A fee paid to place the license in inactive status may not be credited toward payment of
21 the renewal fee for an active license. The [board] **agency** may prorate the renewal fee.

22 (b) A person who chooses to allow a license to become inactive may file a written application
23 **with the agency** to reactivate a license that has been inactive for more than one year by paying
24 the renewal fee for an active license and demonstrating compliance with the continuing education
25 requirement set by rule of the board under ORS 685.102 (6). The [board] **agency** may prorate the
26 renewal fee.

27 (7) The [executive director of the board] **Oregon Health Licensing Agency** shall issue a renewal
28 notice to each person holding a license under this chapter at least 60 days before the renewal ap-
29 plication is due.

30 (8) The board shall [assess fees for] **adopt by rule, and the agency shall collect, the following**
31 **fees:**

32 (a) An initial license.

33 (b) Examination.

34 (c) Renewal of an active license.

35 (d) Yearly renewal of an inactive or retired license.

36 (e) Restoration of an inactive, lapsed or revoked license.

37 (f) A certificate of special competency in natural childbirth.

38 (g) A duplicate license.

39 (h) A wall certificate.

40 (i) Copies of public documents, mailing labels, lists and diskettes.

41 (9) [Subject to prior approval of the Oregon Department of Administrative Services and a report
42 to the Emergency Board prior to adopting the fees and charges,] The fees [and charges] established
43 under this section may not exceed the cost of administering [the regulatory program of the board
44 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative
45 Assembly within the board's budget, as the budget may be modified by the Emergency Board] **and**

1 **enforcing this chapter.**

2 **SECTION 154.** ORS 685.102 is amended to read:

3 685.102. (1) Except as provided in subsections (2) and (5) of this section, each person holding a
 4 license under this chapter shall submit annually by December 31, evidence satisfactory to the
 5 [*Oregon Board of Naturopathic Medicine*] **Oregon Health Licensing Agency** of successful com-
 6 pletion of [*an approved*] **a** program of continuing education of at least 25 hours in naturopathic
 7 medicine **that has been approved by the Oregon Board of Naturopathic Medicine**, completed in
 8 the calendar year preceding the date on which the evidence is submitted, and **of successful** com-
 9 pletion during **or prior to** the renewal period[, *or documentation of previous completion,*] of:

10 (a) A pain management education program approved by the board and developed in conjunction
 11 with the Pain Management Commission established under ORS 413.570; or

12 (b) An equivalent pain management education program, as determined by the board.

13 (2) The [*board*] **agency, in accordance with rules adopted by the board**, may exempt any
 14 person holding a license under this chapter from the requirements of subsection (1) of this section
 15 upon application showing evidence satisfactory to the [*board*] **agency** of inability to comply with the
 16 requirements because of physical or mental condition or because of other unusual or extenuating
 17 circumstances. However, a person may not be exempted from the requirements of subsection (1) of
 18 this section more than once in any five-year period.

19 (3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter
 20 may be exempted from the requirements of subsection (1) of this section [*upon application showing*
 21 *evidence satisfactory to the board*] **by submitting evidence satisfactory to the agency** that the
 22 applicant is or will be in the next calendar year at least 70 years of age and is retired or will retire
 23 in the next calendar year from the practice of naturopathic medicine.

24 (4) The [*board*] **agency** shall require licensees to obtain continuing education, **as prescribed**
 25 **by the board by rule**, for the use of pharmacological substances for diagnostic, preventive and
 26 therapeutic purposes in order to maintain current licensure.

27 (5) A person whose license is in inactive status must submit by December 31 of each year evi-
 28 dence satisfactory to the [*board*] **agency** of completion of 10 hours of [*approved*] continuing educa-
 29 tion **approved by the board** in the calendar year preceding the date on which the evidence is
 30 submitted.

31 (6) Notwithstanding subsections (1), (2) and (5) of this section, in the case of an applicant under
 32 ORS 685.100 (6)(b) for reactivation of an inactive license, the continuing education requirement for
 33 reactivation shall be set by rule of the board.

34 **SECTION 155.** ORS 685.104 is amended to read:

35 685.104. (1) The [*Oregon Board of Naturopathic Medicine*] **Oregon Health Licensing Agency**
 36 shall refuse to issue the certificate of registration to any person holding a license under this chapter
 37 who fails to submit with any fees due the proof required under ORS 685.102, unless the [*board*]
 38 **agency** has exempted the person from the requirements of ORS 685.102 (1). The [*board*] **agency** shall
 39 return any fees submitted by a person that fails to submit proof required under ORS 685.102 or that
 40 fails to submit all fees due.

41 (2) After January 1 of any year, the [*board*] **agency** may issue a certificate of registration to
 42 any holder of a license under this chapter who had been refused such certificate under subsection
 43 (1) of this section upon submission of the evidence required under ORS 685.102 (1), accompanied by
 44 the required license renewal fee for each year the fee remains unpaid and a restoration fee of \$75
 45 for each year the license remains revoked.

1 (3) If the person completes an approved program after January 1 to meet the requirements of
 2 ORS 685.102 for the year beginning January 1, such completion does not meet the requirements of
 3 ORS 685.102 for the subsequent year.

4 **SECTION 156.** ORS 685.110 is amended to read:

5 685.110. [*The Oregon Board of Naturopathic Medicine*] **In addition to the sanctions described**
 6 **in ORS 676.612 and any other penalty provided for by law, the Oregon Health Licensing**
 7 **Agency** may refuse to grant a license, may suspend or revoke a license, may limit a license, may
 8 impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed
 9 \$5,000 for each offense [*for any of the following reasons*] **committed under this chapter,**
 10 **including:**

11 (1) Using fraud or deception in securing a license.

12 (2) Impersonating another physician.

13 (3) Practicing naturopathic medicine under an assumed name.

14 (4) Performing an abortion.

15 (5) Being convicted of a crime involving moral turpitude.

16 (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a
 17 naturopathic physician.

18 (7) Being convicted of a crime relating to practice of naturopathic medicine.

19 (8) Committing negligence related to the practice of naturopathic medicine.

20 (9) Having an impairment as defined in ORS 676.303.

21 (10) Prescribing or dispensing drugs outside the scope of practice.

22 (11) Obtaining a fee through fraud or misrepresentation.

23 (12) Committing gross or repeated malpractice.

24 (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury
 25 can be permanently cured.

26 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the
 27 profession or any conduct or practice that does or might constitute a danger to the health or safety
 28 of a patient or the public or any conduct, practice or condition that does or might adversely affect
 29 a physician's ability safely and skillfully to practice naturopathic medicine.

30 (15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment
 31 contrary to recognized standards of practice of the naturopathic profession.

32 (16) Failing to notify the [*board*] **agency** within 30 days of a change in the location of practice
 33 or of mailing address.

34 (17) Attempting to practice naturopathic medicine or practicing or claiming to practice
 35 naturopathic medicine or any of its components in this state without first complying with the pro-
 36 visions of this chapter.

37 (18) Having a license to practice naturopathic medicine in another jurisdiction suspended or
 38 revoked.

39 (19) Employing unlicensed persons to practice naturopathic medicine.

40 (20) Practicing natural childbirth without first obtaining a certificate of special competency.

41 (21) Representing that the licensee is a medical specialist or practices a medical specialty.

42 (22) Failing to respond in a timely manner to a request for information regarding a complaint
 43 or the investigation of a complaint by the [*board*] **agency**.

44 (23) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

45 (24) Violating any provision of this chapter or rules adopted by the [*board*] **Oregon Board of**

1 **Naturopathic Medicine.**

2 **SECTION 157.** ORS 685.112 is amended to read:

3 685.112. A licensee or an applicant for licensure may request in writing to the [*Oregon Board*
4 *of Naturopathic Medicine*] **Oregon Health Licensing Agency** a voluntary limitation of a license to
5 practice naturopathic medicine. The [*board*] **agency** may grant the request for a voluntary limitation
6 and has the authority, if [*it*] **the agency** deems appropriate, to attach conditions to the license of
7 the licensee or to the license issued to the applicant within the provisions of ORS 685.060 to 685.110
8 and 685.135. Removal of a voluntary limitation of a license to practice naturopathic medicine is de-
9 termined by the [*board*] **agency**. The [*board*] **agency** may not grant a voluntary limitation of a li-
10 cense to practice naturopathic medicine to a licensee who is under investigation by the [*board*]
11 **agency**, who is on probation or whose license is under suspension.

12 **SECTION 158.** ORS 685.115 is amended to read:

13 685.115. (1) Any information that the **Oregon Health Licensing Agency** or Oregon Board of
14 Naturopathic Medicine obtains under ORS 685.225 is confidential as provided under [*ORS 676.175*]
15 **section 8 of this 2013 Act.**

16 (2) Any person who in good faith provides information to the [*board*] **agency or the Oregon**
17 **Board of Naturopathic Medicine** is not subject to an action for civil damages as a result thereof.

18 **SECTION 159.** ORS 685.125 is amended to read:

19 685.125. [(1) *The Oregon Board of Naturopathic Medicine*] **The Oregon Health Licensing**
20 **Agency** shall give opportunity for hearing as provided in ORS chapter 183 when the [*board*] **agency**
21 proposes to:

22 [(a)] (1) Refuse to issue a license;

23 [(b)] (2) Refuse to renew a license; or

24 [(c)] (3) Impose any of the sanctions set forth in ORS 685.110.

25 [(2) *In accordance with applicable provisions of ORS chapter 183, the board may adopt rules nec-*
26 *essary for the administration of the laws that the board is charged with administering.*]

27 **SECTION 160.** ORS 685.135 is amended to read:

28 685.135. (1) A naturopath may not practice natural childbirth without first obtaining a certificate
29 of special competency in natural childbirth in accordance with the provisions of this section.

30 (2) Upon payment of the fee required under ORS 685.100, the [*Oregon Board of Naturopathic*
31 *Medicine*] **Oregon Health Licensing Agency** shall issue a certificate of special competency in na-
32 tural childbirth to a licensed naturopath who meets the requirements prescribed by the [*board*]
33 **Oregon Board of Naturopathic Medicine** to practice natural childbirth.

34 (3) The board may adopt rules applicable to specialty certification:

35 (a) Which establish education, training and qualifications necessary for certification.

36 (b) Which limit or restrict specialty practice.

37 (c) Which define the scope of the specialty practice.

38 (d) Which establish procedures for maintaining certification.

39 (4) Only those naturopaths wishing to practice natural childbirth shall be required to satisfy
40 educational and examination standards in these areas.

41 **SECTION 161.** ORS 685.160 is amended to read:

42 685.160. (1) There hereby is created the Oregon Board of Naturopathic Medicine. The board
43 consists of seven members appointed by the Governor and subject to confirmation by the Senate in
44 the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this
45 state. Of the members of the board:

1 (a) Five must be naturopathic physicians who have each practiced continuously in this state for
 2 the five years immediately prior to the date of appointment.

3 (b) Two must be members of the general public who are not naturopathic physicians or a spouse,
 4 domestic partner, child, parent or sibling of a naturopathic physician.

5 (2)(a) Board members required to be naturopathic physicians may be selected by the Governor
 6 from a list of three to five nominees for each vacancy, submitted by a professional organization
 7 representing naturopathic physicians.

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

10 (A) Geographic areas of this state; and

11 (B) Ethnic group.

12 (3)(a) The term of office of each member is three years, but a member serves at the pleasure of
 13 the Governor. The terms must be staggered so that no more than three terms end each year. A
 14 member is eligible for reappointment. A term of office commences July 1. Unless a member is re-
 15 moved prior to the end of the term, a member continues to serve on the board until a successor is
 16 appointed and qualified. A majority of the members of the board constitutes a quorum. If there is a
 17 vacancy for any cause, the Governor shall appoint a member to serve for the remainder of the un-
 18 expired term.

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

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

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

24 (C) Is not a licensed naturopathic physician or a retired naturopathic physician who was a li-
 25 censed naturopathic physician in good standing at the time of retirement, if the board member was
 26 appointed to serve on the board as a naturopathic physician.

27 (4) *[The board shall carry into effect the provisions of this chapter and is authorized to issue li-*
 28 *licenses to practice naturopathic medicine in this state.]* The possession of a common seal by the board
 29 hereby is authorized.

30 **SECTION 162.** ORS 685.201 is amended to read:

31 685.201. *[The Oregon Board of Naturopathic Medicine Account is established in the State Treas-*
 32 *ury, separate and distinct from the General Fund. All moneys received by the Oregon Board of*
 33 *Naturopathic Medicine under this chapter shall be deposited into the account and are continuously*
 34 *appropriated to the board to be used only for the administration and enforcement of this chapter. Any*
 35 *interest or other income from moneys in the account shall be credited to the account.]* **All moneys**
 36 **received by the Oregon Health Licensing Agency under this chapter shall be deposited in the**
 37 **Oregon Health Licensing Agency Account and are continuously appropriated to the agency**
 38 **for the administration and enforcement of this chapter.**

39 **SECTION 163.** ORS 685.205 is amended to read:

40 685.205. (1) The Oregon Board of Naturopathic Medicine shall appoint a peer review committee
 41 consisting of five members. The peer review committee shall evaluate complaints against
 42 naturopathic physicians which are referred to it by the *[board]* **Oregon Health Licensing Agency**,
 43 and **shall** make recommendations to the *[board]* **agency** regarding those complaints. The *[board]*
 44 **agency** exercises ultimate authority and control over all complaints considered by the committee,
 45 approving or disapproving the recommendations of the committee.

1 (2) The members of a peer review committee shall be appointed from among those in the pro-
 2 fession who are in active practice with five or more years of practice experience. Members must be
 3 representative of affiliated and nonaffiliated naturopathic physicians and representative of various
 4 aspects of the practice of naturopathic medicine. To be appointed a member must receive at least
 5 four votes from members of the [state] board. Members shall each serve two-year terms. No member
 6 may serve more than two consecutive terms.

7 (3) The peer review process shall be governed by rules of the board adopted pursuant to ORS
 8 chapter 183. The board shall provide appropriate training for members of peer review committees.
 9 The board by rule shall provide for a program of active supervision by the board over the conduct
 10 of the peer review committee to determine whether it comports with state regulatory policy and to
 11 correct abuses, if any.

12 (4) Members of a peer review committee acting pursuant to this section are agents of the board
 13 for purposes of ORS 30.260 to 30.300.

14 (5) Peer review may not be used to replace independent medical examinations.

15 (6) Any information provided to a peer review committee in the performance of its duties is
 16 confidential and is not subject to public disclosure or admissible as evidence in any judicial pro-
 17 ceeding, except that as a part of a peer review report, this information may be disclosed to the
 18 [board] **agency** and the person being reviewed.

19 (7) Any person who reports or provides information to a peer review committee in the perform-
 20 ance of its duties and who provides information in good faith is not subject to an action for civil
 21 damages as a result thereof.

22 (8) Upon receipt of a complaint under this chapter, [the] **a** peer review committee shall **report**
 23 **the complaint to the agency and the agency shall** conduct an investigation as described under
 24 ORS 676.165.

25 **SECTION 164.** ORS 685.210 is amended to read:

26 685.210. (1) The district attorneys of the state shall prosecute all persons charged with violation
 27 of any of the provisions of this chapter.

28 (2) Justice courts, municipal courts and circuit courts have concurrent jurisdiction for the
 29 prosecution of offenses under this chapter.

30 (3) The [Oregon Board of Naturopathic Medicine, in its own name,] **Oregon Health Licensing**
 31 **Agency** may maintain an action for an injunction against any person violating ORS 685.020. A per-
 32 son who has been so enjoined may be punished for contempt by the court issuing the injunction.
 33 An injunction may be issued without proof of actual damage sustained by any person. An injunction
 34 does not relieve a person from criminal prosecution for violation of ORS 685.020 or from any other
 35 civil, criminal or disciplinary remedy.

36 **SECTION 165.** ORS 685.220 is amended to read:

37 685.220. (1) [Any Oregon Board of] **A** naturopathic medicine licensee shall, and any other person
 38 may, report to the [board] **Oregon Health Licensing Agency or the Oregon Board of**
 39 **Naturopathic Medicine** any suspected violation of the provisions of this chapter.

40 (2) Information pertaining to the report required by subsection (1) of this section shall remain
 41 confidential as provided in [ORS 676.165] **section 8 of this 2013 Act.**

42 (3) Any person who reports or provides information to the **agency or** board under this section
 43 in good faith shall not be subject to an action for civil damages as a result thereof.

44 **SECTION 166.** ORS 685.225 is amended to read:

45 685.225. (1) Upon the complaint of any citizen of this state, or upon its own motion, the [Oregon

1 *Board of Naturopathic Medicine*] **Oregon Health Licensing Agency** may investigate any alleged
2 violation of this chapter.

3 [(2) *In the conduct of investigations, the board may:*]

4 [(a) *Take evidence;*]

5 [(b) *Take the depositions of witnesses, including the person charged, in the manner provided by law*
6 *in civil cases;*]

7 [(c) *Compel the appearance of witnesses, including the person charged, before the board in person*
8 *the same as in civil cases;*]

9 [(d) *Require answers to interrogatories; and*]

10 [(e) *Compel the production of books, papers, accounts, documents and testimony pertaining to the*
11 *matter under investigation.*]

12 [(3) *In exercising its authority under subsection (2) of this section, the board may issue subpoenas*
13 *over the signature of the board chairperson and the seal of the board in the name of the State of*
14 *Oregon.*]

15 **(2) Upon receipt of a complaint under this chapter, the Oregon Board of Naturopathic**
16 **Medicine shall report the complaint to the agency.**

17 **SECTION 167.** ORS 685.990 is amended to read:

18 685.990. (1) Violation of any provision of this chapter is a Class A misdemeanor.

19 (2)(a) In addition to any other sanctions authorized by law, the [*Oregon Board of Naturopathic*
20 *Medicine*] **Oregon Health Licensing Agency** may impose a civil penalty not to exceed \$5,000 for
21 each violation of any provision of this chapter, or of any rule adopted by the [*board*] **Oregon Board**
22 **of Naturopathic Medicine.**

23 (b) Civil penalties imposed under this subsection shall be imposed as provided in ORS 183.745.

24
25 **BOARD OF MEDICAL IMAGING**

26
27 **(Transfer)**

28
29 **SECTION 168.** **The duties, functions and powers of the Board of Medical Imaging relating**
30 **to the responsibilities listed in ORS 676.607 (1) and reflected in the amendments to statutes**
31 **by sections 175 to 190 of this 2013 Act are imposed upon, transferred to and vested in the**
32 **Oregon Health Licensing Agency.**

33
34 **(Records, Property, Employees)**

35
36 **SECTION 169.** (1) **The Board of Medical Imaging shall:**

37 **(a) Deliver to the Oregon Health Licensing Agency all records and property within the**
38 **jurisdiction of the board that relate to the duties, functions and powers transferred by sec-**
39 **tion 168 of this 2013 Act; and**

40 **(b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily**
41 **in the exercise of the duties, functions and powers transferred by section 168 of this 2013**
42 **Act.**

43 **(2) The Director of the Oregon Health Licensing Agency shall take possession of the re-**
44 **ords and property, and shall take charge of the employees and employ them in the exercise**
45 **of the duties, functions and powers transferred by section 168 of this 2013 Act, without re-**

1 duction of compensation but subject to change or termination of employment or compen-
2 sation as provided by law.

3 (3) The Governor shall resolve any dispute between the Board of Medical Imaging and the
4 Oregon Health Licensing Agency relating to transfers of records, property and employees
5 under this section, and the Governor’s decision is final.

6
7 (Unexpended Revenues)

8
9 SECTION 170. (1) The Board of Medical Imaging Account is abolished.

10 (2) The unexpended balances of amounts authorized to be expended by the Board of
11 Medical Imaging for the biennium beginning July 1, 2013, from revenues dedicated, contin-
12 uously appropriated, appropriated or otherwise made available for the purpose of adminis-
13 tering and enforcing the duties, functions and powers transferred by section 168 of this 2013
14 Act are transferred to and are available for expenditure by the Oregon Health Licensing
15 Agency for the biennium beginning July 1, 2013, for the purpose of administering and en-
16 forcing the duties, functions and powers transferred by section 168 of this 2013 Act.

17 (3) The expenditure classifications, if any, established by Acts authorizing or limiting
18 expenditures by the Board of Medical Imaging remain applicable to expenditures by the
19 Oregon Health Licensing Agency under this section.

20
21 (Action, Proceeding, Prosecution)

22
23 SECTION 171. The transfer of duties, functions and powers to the Oregon Health Li-
24 censing Agency by section 168 of this 2013 Act does not affect any action, proceeding or
25 prosecution involving or with respect to such duties, functions and powers begun before and
26 pending at the time of the transfer, except that the Oregon Health Licensing Agency is
27 substituted for the Board of Medical Imaging in the action, proceeding or prosecution.

28
29 (Liability, Duty, Obligation)

30
31 SECTION 172. (1) Nothing in this 2013 Act relieves a person of a liability, duty or obli-
32 gation accruing under or with respect to the duties, functions and powers transferred by
33 section 168 of this 2013 Act. The Oregon Health Licensing Agency may undertake the col-
34 lection or enforcement of any such liability, duty or obligation.

35 (2) The rights and obligations of the Board of Medical Imaging legally incurred under
36 contracts, leases and business transactions executed, entered into or begun before the op-
37 erative date of section 168 of this 2013 Act accruing under or with respect to the duties,
38 functions and powers transferred by section 168 of this 2013 Act are transferred to the
39 Oregon Health Licensing Agency. For the purpose of succession to these rights and obli-
40 gations, the Oregon Health Licensing Agency is a continuation of the Board of Medical Im-
41 aging and not a new authority.

42
43 (Rules)

44
45 SECTION 173. Notwithstanding the transfer of duties, functions and powers by section

1 **168 of this 2013 Act, the rules of the Board of Medical Imaging with respect to such duties,**
 2 **functions or powers that are in effect on the operative date of section 168 of this 2013 Act**
 3 **continue in effect until superseded or repealed by rules of the Oregon Health Licensing**
 4 **Agency. References in such rules of the Board of Medical Imaging to the Board of Medical**
 5 **Imaging or an officer or employee of the Board of Medical Imaging are considered to be**
 6 **references to the Oregon Health Licensing Agency or an officer or employee of the Oregon**
 7 **Health Licensing Agency.**

8 **SECTION 174. Whenever, in any uncodified law or resolution of the Legislative Assembly**
 9 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, in**
 10 **the context of the duties, functions and powers transferred by section 168 of this 2013 Act,**
 11 **reference is made to the Board of Medical Imaging, or an officer or employee of the Board**
 12 **of Medical Imaging, whose duties, functions or powers are transferred by section 168 of this**
 13 **2013 Act, the reference is considered to be a reference to the Oregon Health Licensing**
 14 **Agency or an officer or employee of the Oregon Health Licensing Agency who by this 2013**
 15 **Act is charged with carrying out such duties, functions and powers.**

16
 17 (Amendments to Statutes)

18
 19 **SECTION 175.** ORS 688.405 is amended to read:

20 688.405. As used in ORS 688.405 to 688.605:

21 (1) "Approved school" means a school accredited in one of the medical imaging modalities or
 22 subspecialties by a national post-secondary accreditation body and whose graduates are qualified to
 23 sit for a credentialing examination recognized by the Board of Medical Imaging in the graduate's
 24 medical imaging modality or subspecialty.

25 (2) "Clinical instructor" means an individual assigned to supervise students in a clinical setting
 26 who is:

27 (a) A licensed physician who routinely supervises the medical imaging modality being studied
 28 by a student; or

29 (b) An individual licensed by the [board] **Oregon Health Licensing Agency under ORS 688.405**
 30 **to 688.605** and credentialed by a credentialing organization in the medical imaging modality being
 31 studied by a student.

32 (3) "Credential" means the recognition awarded to an individual who meets the requirements
 33 of a credentialing organization.

34 (4) "Credentialing organization" means a nationally recognized organization that issues creden-
 35 tials through testing or evaluations that determine that a person meets defined standards for train-
 36 ing and competence in a medical imaging modality.

37 (5) "Diagnostic medical sonography" means the use of nonionizing high frequency sound waves
 38 with specialized equipment to direct the sound waves into areas of the human body to generate im-
 39 ages for the assessment and diagnosis of various medical conditions.

40 (6) "Graduate" means an individual who has completed the didactic and clinical education at
 41 an approved school, including documented clinical proficiency, but who has not met all requirements
 42 for credentialing by a credentialing organization.

43 (7) "Hybrid imaging or radiation therapy equipment" means equipment that combines more than
 44 one medical imaging modality into a single device.

45 (8) "Ionizing radiation" means alpha particles, beta particles, gamma rays, X-rays, neutrons,

1 high-speed electrons, high-speed protons or other particles capable of producing ions. “Ionizing ra-
2 diation” does not include radiation such as radiofrequency or microwaves, visible, infrared or ul-
3 traviolet light or ultrasound.

4 (9) “License” means a license issued by the [board] **agency** to practice one or more of the
5 medical imaging modalities.

6 (10) “Licensed nurse practitioner” means a nurse practitioner licensed in Oregon.

7 (11) “Licensed physician” means a physician or surgeon licensed in Oregon.

8 (12) “Licensed physician assistant” means a physician assistant licensed in Oregon.

9 (13) “Limited X-ray machine operator” means a person other than a licensed physician, licensed
10 nurse practitioner or licensed physician assistant who performs diagnostic X-ray procedures under
11 the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant
12 using equipment that emits external ionizing radiation resulting in diagnostic radiographic images
13 that are limited to select human anatomical sites.

14 (14) “Limited X-ray machine operator course of study” means a board-approved set of didactic
15 and clinical experience elements designed to prepare a person for gaining practical experience and
16 for passing the limited X-ray machine operator examination.

17 (15) “Magnetic resonance imaging” means the process by which certain nuclei, when placed in
18 a magnetic field, absorb and release energy in the form of radio waves that are analyzed by a
19 computer thereby producing an image of human anatomy and physiological information.

20 (16) “Medical imaging” means the use of specialized equipment for the production of visual re-
21 presentations of human anatomy, tissues or organs for use in clinical diagnosis and treatment and
22 includes but is not limited to X-ray, single photon emission, positron emission technology,
23 ultrasound, magnetic fields, visible light and radio waves.

24 (17) “Medical imaging licensee” means a person other than a licensed physician or a limited
25 X-ray machine operator who holds a valid license and operates medical imaging equipment for di-
26 agnostic or therapeutic purposes under the supervision of a licensed physician.

27 (18) “Medical imaging modality” means:

28 (a) Diagnostic medical sonography and all its subspecialties;

29 (b) Magnetic resonance imaging and all its subspecialties;

30 (c) Nuclear medicine technology and all its subspecialties;

31 (d) Radiation therapy and all its subspecialties; or

32 (e) Radiography and all its subspecialties.

33 (19) “Nuclear medicine technology” means the specialized equipment that measures radiation
34 emitted by radionuclides, including counters and cameras that form medical images for interpreta-
35 tion by a physician, or assists in therapeutic use of radionuclides.

36 (20) “Radiation therapy” means the use of ionizing radiation on a human being for therapeutic
37 purposes.

38 (21) “Radiographer” means a person other than a licensed physician who performs a compre-
39 hensive set of diagnostic radiographic procedures under the supervision of a licensed physician us-
40 ing external ionizing radiation to produce radiographic, fluoroscopic or digital images.

41 (22) “Radiography” means the use of ionizing radiation to produce radiographic, fluoroscopic or
42 digital images of human anatomy for diagnostic purposes.

43 (23) “Radiologist” means a person licensed to practice medicine in the State of Oregon who is
44 certified by or [board] eligible for certification by the American Board of Radiology, the American
45 Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and

1 Surgeons of Canada.

2 (24) "Student" means an individual enrolled in:

3 (a) An approved school; or

4 (b) A limited X-ray machine operator course of study.

5 (25) "Supervision" means the act of monitoring and reviewing the performance of medical im-
6 aging licensees or limited X-ray machine operators through regular inspections of work produced,
7 regardless of whether the supervising individual is continuously physically present during the use
8 of medical imaging equipment or X-ray equipment.

9 **SECTION 176.** ORS 688.415, as amended by section 4, chapter 1, Oregon Laws 2012, is amended
10 to read:

11 688.415. (1) A person may not:

12 (a) Practice any of the medical imaging modalities, use X-ray equipment or purport to be a
13 medical imaging licensee or a limited X-ray machine operator if the person is not licensed in ac-
14 cordance with the provisions of ORS 688.455 or is not the holder of a limited X-ray machine operator
15 permit issued under ORS 688.515;

16 (b) Practice any medical imaging modality or as a limited X-ray machine operator under a false
17 or assumed name;

18 (c) Knowingly employ any person for the purpose of practicing any medical imaging modality
19 or as a limited X-ray machine operator if that person is not licensed or does not hold a valid permit
20 in accordance with the provisions of ORS 688.405 to 688.605;

21 (d) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by bribery
22 or fraudulent representation; or

23 (e) Knowingly make a false statement on an application for a license or permit or a renewal for
24 a license or permit.

25 (2) A person may not practice a medical imaging modality or purport to be a medical imaging
26 licensee unless the person is licensed **or holds a permit** in accordance with the provisions of ORS
27 688.405 to 688.605 [*or holds a permit issued by the Board of Medical Imaging*].

28 **SECTION 177.** ORS 688.445 is amended to read:

29 688.445. (1) The [*Board of Medical Imaging*] **Oregon Health Licensing Agency** shall issue:

30 (a) A license to practice a specified medical imaging modality in the State of Oregon to each
31 person who meets the qualifications for a license as provided in ORS 688.455 **and applicable rules**
32 **of the Board of Medical Imaging**. The license shall identify the modality or subspecialty for which
33 the qualifications have been met.

34 (b)(A) A permit to practice as a limited X-ray machine operator in the State of Oregon to each
35 person who meets the qualifications to hold that permit as provided in ORS 688.515 **and applicable**
36 **rules of the board**. The permit shall identify the category for which the qualifications have been
37 met.

38 (B) The categories are skull and sinuses, spine, chest, extremities, podiatric and bone
39 densitometry.

40 (2) In order to remain active, a license or permit must be renewed every two years prior to the
41 first day of the licensee's birth month or as otherwise provided by the board by rule.

42 (3) A license or permit that is not renewed as provided in subsection (2) of this section expires.
43 The [*board*] **agency** may renew an expired license or permit upon payment of a delinquent fee in
44 an amount set by the board **by rule** plus the biennial renewal fee.

45 (a) A late renewal may not be granted more than two years after a license or permit has ex-

1 pired.

2 (b) A late renewal may not be granted to any medical imaging licensee not credentialed by a
3 credentialing organization.

4 (4) The [board] **agency** shall renew the license or permit of a person who meets the require-
5 ments under ORS 688.455 or 688.515 **and applicable rules of the board** upon receipt of:

6 (a) An application accompanied by a fee in an amount established by the board **by rule**; and

7 (b) Supporting evidence of appropriate continuing education as defined by the board by rule.

8 (5) A license or permit that has been expired for more than two years may be reissued only in
9 the manner prescribed for an original license or permit.

10 **SECTION 178.** ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, section
11 2, chapter 1, Oregon Laws 2012, and section 17b, chapter 43, Oregon Laws 2012, is amended to read:

12 688.455. (1) The [Board of Medical Imaging] **Oregon Health Licensing Agency** shall issue a li-
13 cense to a person to practice a medical imaging modality if the person makes an application in
14 writing **to the agency** and pays a fee in an amount established by the Board of **Medical Imaging**
15 **by rule** [and] if the person, at the time of application:

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

17 (b) Satisfies one of the following requirements:

18 (A) Has graduated from [an approved] **a school approved by the board**;

19 (B) No later than December 31, 2010, passed the examination of the American Registry of
20 Radiologic Technologists after being sponsored for the examination by the State of Oregon;

21 (C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active
22 license [from the Board of Medical Imaging] **to practice a medical imaging modality** on July 1,
23 2010; or

24 (D) Meets the requirements for licensing under ORS 688.495;

25 (c) Has undergone a background check to the satisfaction of the [board] **agency** as established
26 in rules adopted by the board;

27 (d) Has not had a license of any type revoked by this state or any state, territory of the United
28 States or nation;

29 (e) Has not had a credential revoked by any credentialing organization; and

30 (f) Meets the standards of ethical conduct established in the professional standards of the cor-
31 responding credentialing organization or a medical imaging modality's professional society.

32 (2) All applicants for a license are subject to the examination policies of their respective cre-
33 dentialing organizations.

34 (3) An applicant meets the requirements of subsection (1)(b)(A) of this section if the applicant
35 provides the [board] **agency** with documentation of military training or experience that the [board]
36 **agency** determines, **in accordance with rules adopted by the board**, is substantially equivalent
37 to the education required by subsection (1)(b)(A) of this section.

38 (4)(a) The [board] **agency** may consider issuing a new license to a person whose revoked cre-
39 dential has been reinstated by a credentialing organization or whose license of any type has been
40 reinstated by another state.

41 (b) The [board] **agency** shall consider issuing a new license under this subsection on a case by
42 case basis [and shall adopt rules governing issuance of a new license] **in accordance with rules**
43 **adopted by the board**.

44 **SECTION 179.** ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, section
45 2, chapter 1, Oregon Laws 2012, and sections 17b and 17c, chapter 43, Oregon Laws 2012, is amended

1 to read:

2 688.455. (1) The *[Board of Medical Imaging]* **Oregon Health Licensing Agency** shall issue a li-
3 cense to a person to practice a medical imaging modality if the person makes an application in
4 writing **to the agency** and pays a fee in an amount established by the **Board of Medical Imaging**
5 **by rule** and if the person, at the time of application:

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

7 (b) Satisfies one of the following requirements:

8 (A) Holds a credential issued by a credentialing organization in a medical imaging modality re-
9 cognized by the board **by rule** or provides the *[board]* **agency** with documentation of military
10 training or experience that the *[board]* **agency** determines, **in accordance with rules adopted by**
11 **the board**, is substantially equivalent to the credentialing requirements;

12 (B) No later than December 31, 2010, passed the examination of the American Registry of
13 Radiologic Technologists after being sponsored for the examination by the State of Oregon;

14 (C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active
15 license *[from the Board of Medical Imaging]* **to practice a medical imaging modality** on July 1,
16 2010; or

17 (D) Meets the requirements for licensing under ORS 688.495;

18 (c) Has undergone a background check to the satisfaction of the *[board]* **agency** as established
19 in rules adopted by the board;

20 (d) Has not had a license of any type revoked by this state or any state, territory of the United
21 States or nation;

22 (e) Has not had a credential revoked by any credentialing organization; and

23 (f) Meets the standards of ethical conduct established in the professional standards of the cor-
24 responding credentialing organization or a medical imaging modality's professional society.

25 (2) All applicants for a license are subject to the examination policies of their respective cre-
26 dentialing organizations.

27 (3)(a) The *[board]* **agency** may consider issuing a new license to a person whose revoked cre-
28 dential has been reinstated by a credentialing organization or whose license of any type has been
29 reinstated by another state.

30 (b) The *[board]* **agency** shall consider issuing a new license under this subsection on a case by
31 case basis *[and shall adopt rules governing issuance of a new license]* **in accordance with rules**
32 **adopted by the board**.

33 **SECTION 179a.** ORS 688.485 is amended to read:

34 688.485. (1) The Board of Medical Imaging shall oversee examinations given each year for a
35 limited X-ray machine operator permit.

36 (2) A limited X-ray machine operator permit applicant who fails to pass an examination may take
37 additional examinations as required by the board by rule.

38 (3) The board shall *[charge]* **adopt, and the Oregon Health Licensing Agency shall collect,**
39 a fee for oversight of limited X-ray machine operator permit examinations in an amount determined
40 by the board by rule.

41 (4) All limited X-ray machine operator permit applicants are subject to the rules of a board-
42 approved testing agency including, but not limited to, testing schedules and frequency, fees, appli-
43 cation procedures and conduct.

44 **SECTION 180.** ORS 688.495 is amended to read:

45 688.495. The *[Board of Medical Imaging]* **Oregon Health Licensing Agency** may license as a

1 radiographer, without examination, any person who:

2 (1) Applies for a license as provided in ORS 688.455; and

3 (2) On the date of making application is a radiographer under the laws of any other state, ter-
 4 ritory of the United States or nation, if the requirements for licensure in that state, territory or
 5 nation are not less stringent than those required under ORS 688.405 to 688.605 and the applicant
 6 passed a written examination in that state, territory or nation that is comparable to the examination
 7 required in this state for the category or categories for which licensure is sought.

8 **SECTION 181.** ORS 688.505 is amended to read:

9 688.505. (1) At the time a biennial renewal fee is submitted, the [*Board of Medical Imaging*]
 10 **Oregon Health Licensing Agency** shall require each licensee and permittee to submit evidence of
 11 continuing education pertinent to the license or permit **as determined by the Oregon Board of**
 12 **Medical Imaging by rule.**

13 (2) A holder of a limited X-ray machine operator permit shall submit evidence of satisfying the
 14 number of hours of continuing education as established by the board by rule.

15 (3) A holder of a license may submit evidence of a current credential issued by the credentialing
 16 organization if that organization requires continuing education for renewal of those credentials.

17 (4) A holder of a license with a credential from a credentialing organization that does not re-
 18 quire continuing education for renewal shall submit evidence of continuing education equal to other
 19 medical imaging licensees as required by rule of the board.

20 **SECTION 182.** ORS 688.515 is amended to read:

21 688.515. (1) The [*Board of Medical Imaging*] **Oregon Health Licensing Agency** shall issue a
 22 limited X-ray machine operator permit to an applicant to practice under the supervision of a li-
 23 censed physician, a licensed nurse practitioner or a licensed physician assistant if the applicant
 24 meets the requirements as provided in this section. A limited X-ray machine operator permit shall
 25 state the category or categories for which the applicant has demonstrated competence and shall be
 26 limited to one of the categories listed below or as established by the Board **of Medical Imaging** by
 27 rule:

28 (a) Skull and sinuses;

29 (b) Spine;

30 (c) Chest;

31 (d) Extremities;

32 (e) Podiatric; or

33 (f) Bone densitometry.

34 (2) Limited X-ray machine operator permits may not be issued for fluoroscopy, bony thorax
 35 studies, abdominal studies, contrast studies or special head studies such as tomography, radiation
 36 therapy or any of the other medical imaging modalities or subspecialties other than the categories
 37 listed in subsection (1) of this section or as established by the board by rule.

38 (3) Each applicant for a limited X-ray machine operator permit shall:

39 (a) Make an application **to the agency** in writing;

40 (b) Pay an application fee in an amount set by the board **by rule**;

41 (c) Be at least 18 years of age;

42 (d) Have successfully passed a board-approved course of instruction in radiation use and safety
 43 consisting of the number of hours of instruction required by the board by rule;

44 (e) Have successfully completed a course of instruction approved by the board and taught by a
 45 board-approved, licensed radiographer in laboratory practice specific to each category for which the

1 applicant seeks a limited X-ray machine operator permit, with the instructor's certifying to the
 2 [board] **agency** that the applicant has completed the course in those categories applied for;

3 (f) Have successfully completed a practical experience program approved by the board, specific
 4 to each category for which the applicant seeks a limited X-ray machine operator permit. Such pro-
 5 gram shall include operation of an energized X-ray machine under the supervision of a radiographer;

6 (g) Have paid **to the agency** the examination fee set by board rule to reflect the actual cost
 7 of the examination;

8 (h) Have successfully passed an examination approved by the board in the core module as de-
 9 fined in rules adopted by the board, and in those categories in which the applicant seeks a limited
 10 X-ray machine operator permit;

11 (i) Have undergone a background check to the satisfaction of the [board] **agency** as established
 12 in rules adopted by the board;

13 (j) Not have had any type of license or permit revoked by this state or any state, territory of
 14 the United States or nation; and

15 (k) Meet the standards of ethical conduct established in the professional standards of a creden-
 16 tialing organization or a medical imaging modality's professional society.

17 (4) Upon meeting the requirements of this section, the [board] **agency** shall issue a limited X-ray
 18 machine operator permit to the applicant. The limited X-ray machine operator permit is subject to
 19 the renewal procedures described in ORS 688.445.

20 (5) Every person issued a limited X-ray machine operator permit shall notify the [board] **agency**
 21 in writing of the name of each licensed physician, licensed nurse practitioner or licensed physician
 22 assistant supervising the person's performance of diagnostic radiography and may only perform di-
 23 agnostic radiography while being supervised by a licensed physician, licensed nurse practitioner or
 24 licensed physician assistant. In the event the person subsequently is supervised by a licensed phy-
 25 sician, licensed nurse practitioner or licensed physician assistant other than the physician, nurse
 26 practitioner or physician assistant whose name was initially furnished to the [board] **agency**, the
 27 person shall immediately notify the [board] **agency** in writing.

28 (6) Limited X-ray machine operators must meet the standards of ethical conduct equal to those
 29 of a licensed radiographer.

30 **SECTION 183.** ORS 688.520, as amended by section 5, chapter 1, Oregon Laws 2012, is amended
 31 to read:

32 688.520. (1) The [Board of Medical Imaging] **Oregon Health Licensing Agency** may grant in-
 33 active status to a person who holds a license or a limited X-ray machine operator permit who noti-
 34 fies the [board] **agency** of the person's:

35 (a) Intent not to practice a medical imaging modality or subspecialty or as a limited X-ray ma-
 36 chine operator; and

37 (b) Desire to retain the right to reinstate the license or permit, subject to [board] rules **adopted**
 38 **by the Board of Medical Imaging.**

39 (2) Only medical imaging licensees who hold a credential issued by a credentialing organization
 40 or limited X-ray machine operators in good standing may retain the right to reinstate an inactive
 41 license.

42 (3) The [board] **agency** may, in certain disciplinary circumstances, issue a provisional license
 43 or provisional permit that identifies:

44 (a) The specific provisions of the license and terms of converting the license from provisional
 45 status to active status;

- 1 (b) The length of issuance; and
 2 (c) The specific issues that resulted in provisional status.
 3 (4) The *[board]* **agency** may issue a restricted license for the purpose of performing hybrid im-
 4 aging using a modality for which the medical imaging licensee does not hold either a primary or
 5 secondary credential if:
 6 (a) The person holds a credential in one or more of the medical imaging modalities or subspe-
 7 cialties; and
 8 (b) Receives appropriate training in the limited aspects of the other modality as required by the
 9 board by rule.
 10 (5) The *[board]* **agency** may issue an additional license to a person who:
 11 (a) Holds a license issued by the *[board]* **agency** in one of the primary medical imaging
 12 modalities;
 13 (b) Holds and continues to maintain a primary credential issued by a credentialing organization
 14 recognized by the board **by rule** in one of the primary medical imaging modalities; and
 15 (c) Holds and continues to maintain an additional credential issued by a credentialing organ-
 16 ization recognized by the board **by rule** in the secondary medical imaging modality for which a li-
 17 cense is sought.
 18 (6)(a) The *[board]* **agency** may issue a student license to a person enrolled in *[an approved]*
 19 school **approved by the board** for the purpose of allowing the person to complete clinical training
 20 requirements.
 21 (b) An applicant for a student license must meet the requirements of ORS 688.455 (1)(a) and (c)
 22 to (f).
 23 (c) The *[board]* **agency** shall process student applications and shall issue student licenses at
 24 reduced fees as provided in rules adopted by the board.
 25 (d) A student license is valid only while the student is enrolled in *[an approved]* school **approved**
 26 **by the board**.
 27 (7)(a) The *[board]* **agency** may issue a temporary license or permit upon satisfactory application
 28 and payment of a registration fee established by the board by rule.
 29 (b) **The agency may issue** medical imaging license applicants, students and graduates *[may be*
 30 *issued]* temporary licenses pertaining to a specific modality or subspecialty without examination for
 31 a limited time period as determined by the board by rule.
 32 (c) **The agency may issue** limited X-ray machine operator permit applicants *[may be issued]*
 33 temporary permits for the purpose of completing clinical education requirements under the super-
 34 vision of a licensed physician:
 35 (A) Upon successful completion of the core module examination;
 36 (B) For an initial period of six months; and
 37 (C) For a single six-month renewal period, at the discretion of the *[board]* **agency**.
 38 (8) The *[board]* **agency** may issue licenses and permits for periods other than 24 months **as**
 39 **authorized by the board by rule**. The fee for a license or permit issued for any period other than
 40 24 months shall be prorated on a monthly basis.

41 **SECTION 184.** ORS 688.525 is amended to read:

42 688.525. (1) *[The Board of Medical Imaging,]* After notice of and hearing as required under the
 43 contested case procedures of ORS chapter 183, **the Oregon Health Licensing Agency, in addition**
 44 **to the sanctions described in ORS 676.612**, may refuse to issue a license or permit to any appli-
 45 cant **under ORS 688.405 to 688.605**, may refuse to renew the license of any medical imaging

1 licensee or the permit of a limited X-ray machine operator or may suspend or revoke *[the]* a license
 2 or permit **issued under ORS 688.405 to 688.605** of a person who:

3 (a) Has been disciplined by a credentialing organization or a licensing board in this state or in
 4 another state, territory of the United States or nation for acts by the holder of a license or a permit
 5 that are similar to acts described in this subsection. A certified copy of the order of discipline
 6 constitutes conclusive evidence of the discipline.

7 (b) Has an impairment as defined in ORS 676.303.

8 (c) In the judgment of the *[board]* **agency** is guilty of unethical or unprofessional conduct in the
 9 practice of a medical imaging modality or as a limited X-ray machine operator.

10 (d) Has been convicted of any crime that bears a demonstrable relationship to the practice of
 11 a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely
 12 on fitness to practice.

13 (e) In the judgment of the *[board]* **agency**, has acted with gross negligence in the practice of a
 14 medical imaging modality or as a limited X-ray machine operator.

15 (f) Has undertaken to act as a medical imaging licensee independently of the supervision of a
 16 licensed physician, or has undertaken to act as a limited X-ray machine operator independently of
 17 the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant.

18 (g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by
 19 fraud or material misrepresentation.

20 (2)(a) Upon receipt of a complaint under ORS 688.405 to 688.605, the *[board]* **agency** shall con-
 21 duct an investigation as described under ORS 676.165.

22 **(b) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall report the**
 23 **complaint to the agency.**

24 (3)(a) Information that the *[board]* **agency** obtains as part of an investigation into licensee,
 25 permittee or applicant conduct or as part of a contested case proceeding, consent order or stipulated
 26 agreement involving licensee, permittee or applicant conduct is confidential as provided under *[ORS*
 27 *676.175]* **section 8 of this 2013 Act.**

28 **(b) Information the board obtains under subsection (2) of this section is confidential as**
 29 **provided under section 8 of this 2013 Act.**

30 **SECTION 185.** ORS 688.560 is amended to read:

31 688.560. The Board of Medical Imaging *[by rule shall establish and collect]* **shall establish by**
 32 **rule, and the Oregon Health Licensing Agency shall collect**, reasonable fees for:

- 33 (1) Oversight of limited X-ray machine operator permit examinations.
- 34 (2) Special interpretation of examination results.
- 35 (3) Duplication of permits, licenses and wall certificates.
- 36 (4) Reproduction of records.
- 37 (5) Application processing, licensing and permitting.
- 38 (6) Inspections of limited X-ray machine operator schools.

39 **SECTION 186.** ORS 688.585 is amended to read:

40 688.585. *[(1) The Board of Medical Imaging Account is established in the State Treasury, separate*
 41 *and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, con-*
 42 *tributions and other moneys received by the Board of Medical Imaging must be paid into the State*
 43 *Treasury and credited to the account. All moneys in the account are continuously appropriated to the*
 44 *board to be used by the board for purposes of ORS 688.405 to 688.605. Any interest or other income*
 45 *from moneys in the account shall be credited to the account.]*

1 [(2) *The board shall keep a record of all moneys deposited in the account. The record shall indicate*
 2 *by separate cumulative accounts the source from which the moneys are derived and the individual ac-*
 3 *tivity or program for which each withdrawal is charged.*]

4 **All moneys received by the Oregon Health Licensing Agency under ORS 688.405 to 688.605**
 5 **shall be deposited in the Oregon Health Licensing Agency Account and are continuously ap-**
 6 **propriated to the agency for the administration and enforcement of ORS 688.405 to 688.605.**

7 **SECTION 187.** ORS 688.595 is amended to read:

8 688.595. The section manager of the Radiation Protection Services Section of the Oregon Health
 9 Authority shall [*enforce the provisions of ORS 688.405 to 688.605 and shall*] conduct, under the di-
 10 rection of the Board of Medical Imaging, inspections in furtherance of the purposes of ORS 688.405
 11 to 688.605. **The authority shall report all possible violations of ORS 688.405 to 688.605 discov-**
 12 **ered during an inspection to the Oregon Health Licensing Agency.**

13 **SECTION 188.** ORS 688.600 is amended to read:

14 688.600. (1) Upon receipt of a complaint, or upon its own motion, the [*Board of Medical*
 15 *Imaging*] **Oregon Health Licensing Agency** may investigate any alleged violation of ORS 688.405
 16 to 688.605.

17 (2) In the conduct of investigations, the [*board*] **agency** may[.:]

18 [(a) *Take evidence;*]

19 [(b) *Take the depositions of witnesses, including the person charged, in the manner provided by law*
 20 *in civil cases;*]

21 [(c) *Compel the appearance of witnesses, including the person charged, before the board in person*
 22 *the same as in civil cases;*]

23 [(d) *Require answers to interrogatories;*]

24 [(e) *Compel the production of books, papers, accounts, documents and testimony pertaining to the*
 25 *matter under investigation;*]

26 [(f)] require a person to undergo a mental, physical, chemical dependency or competency evalu-
 27 ation at the person's expense when the [*board*] **agency** has reasonable grounds to believe that the
 28 person is or may be unable to practice a medical imaging modality with reasonable skill and safety
 29 or may constitute a risk to the public, with the results being reported to the [*board*] **agency**. The
 30 report may not be disclosed to the public but may be received into evidence in a proceeding between
 31 the [*board*] **agency** and the person when the mental, physical, chemical dependency or competency
 32 of the person is at issue, notwithstanding any claim of privilege by the person[; *and*]

33 [(g) *Issue subpoenas over the signature of the board chairperson and the seal of the board in the*
 34 *name of the State of Oregon.*]

35 (3) For the purpose of disciplinary issues concerning scope of practice and standards of practice,
 36 the **Board of Medical Imaging** may form temporary peer review committees in the relevant
 37 modality or subspecialty to advise the [*board*] **agency** of appropriate action. The composition, au-
 38 thority and responsibilities of a temporary committee must be defined in rules adopted by the board.

39 **SECTION 189.** ORS 688.605 is amended to read:

40 688.605. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health
 41 information prohibit disclosure, any person issued a license or permit [*by the Board of Medical Im-*
 42 *aging*] **under ORS 688.405 to 688.605** or any employer of a licensee or permittee shall report to the
 43 **Board of Medical Imaging or the Oregon Health Licensing Agency** any suspected violation of
 44 ORS 688.405 to 688.605 or any rule adopted by the board.

45 (b) Unless state or federal laws relating to confidentiality or the protection of health information

1 prohibit disclosure, any person issued a license or permit *[by the board]* **under ORS 688.405 to**
 2 **688.605** who has reasonable cause to believe that a licensee of another board has engaged in pro-
 3 hibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner pro-
 4 vided in ORS 676.150.

5 (c) Unless state or federal laws relating to confidentiality or the protection of health information
 6 prohibit disclosure, any organization representing persons issued a license or permit *[by the board]*
 7 **under ORS 688.405 to 688.605** shall report to the board **or agency** any suspected violation of ORS
 8 688.405 to 688.605 or any rule adopted by the board pursuant to ORS 688.405 to 688.605.

9 (d) Any person may report to the board **or agency** any suspected violation of ORS 688.405 to
 10 688.605 or any rules adopted by the board pursuant to ORS 688.555.

11 (2) Any information that the board **or agency** obtains as the basis of a complaint or in the in-
 12 vestigation of a complaint is confidential as provided under *[ORS 676.175]* **section 8 of this 2013**
 13 **Act.**

14 (3) Any person who reports or provides information to the board **or agency** and who does so in
 15 good faith is not subject to an action for civil damages as a result of reporting or providing infor-
 16 mation.

17 (4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board **or agency**.
 18 **The board shall report all claims received under this section to the agency, and the agency**
 19 **shall substantiate those claims** *[and shall be substantiated]* by satisfactory evidence. If the
 20 *[board]* **agency** finds that a violation has occurred, the *[board]* **agency** shall, subject to the condi-
 21 tions of *[ORS 676.175]* **section 8 of this 2013 Act**, report the violation to the Attorney General for
 22 prosecution.

23 **SECTION 190.** ORS 688.915 is amended to read:

24 688.915. (1) In addition to any other sanction authorized by law, the *[Board of Medical*
 25 *Imaging]* **Oregon Health Licensing Agency** may impose a civil penalty not to exceed \$1,000 per
 26 occurrence for any violation of ORS 688.405 to 688.605, or of any rules adopted under those pro-
 27 visions. The penalty may be imposed whether or not the person incurring the penalty has been li-
 28 censed or been issued a permit under ORS 688.405 to 688.605, or has made application for a license
 29 or permit under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew
 30 a license or permit, or a suspension or revocation of a license or permit, under ORS 688.525.

31 (2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

32 (3) All penalties recovered under this section shall be credited to the *[Board of Medical Imaging*
 33 *Account established under ORS 688.585]* **Oregon Health Licensing Agency Account.**

34
 35 **STATE MORTUARY AND CEMETERY BOARD**

36
 37 **(Transfer)**

38
 39 **SECTION 191.** **The duties, functions and powers of the State Mortuary and Cemetery**
 40 **Board relating to the responsibilities listed in ORS 676.607 (1) and reflected in the amend-**
 41 **ments to statutes by sections 198 to 219 of this 2013 Act are imposed upon, transferred to**
 42 **and vested in the Oregon Health Licensing Agency.**

43
 44 **(Records, Property, Employees)**

SECTION 192. (1) The State Mortuary and Cemetery Board shall:

(a) Deliver to the Oregon Health Licensing Agency all records and property within the jurisdiction of the board that relate to the duties, functions and powers transferred by section 191 of this 2013 Act; and

(b) Transfer to the Oregon Health Licensing Agency those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 191 of this 2013 Act.

(2) The Director of the Oregon Health Licensing Agency shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 191 of this 2013 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the State Mortuary and Cemetery Board and the Oregon Health Licensing Agency relating to transfers of records, property and employees under this section, and the Governor's decision is final.

(Unexpended Revenues)

SECTION 193. (1) The State Mortuary and Cemetery Board Account is abolished.

(2) The unexpended balances of amounts authorized to be expended by the State Mortuary and Cemetery Board for the biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 191 of this 2013 Act are transferred to and are available for expenditure by the Oregon Health Licensing Agency for the biennium beginning July 1, 2013, for the purpose of administering and enforcing the duties, functions and powers transferred by section 191 of this 2013 Act.

(3) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the State Mortuary and Cemetery Board remain applicable to expenditures by the Oregon Health Licensing Agency under this section.

(Action, Proceeding, Prosecution)

SECTION 194. The transfer of duties, functions and powers to the Oregon Health Licensing Agency by section 191 of this 2013 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Oregon Health Licensing Agency is substituted for the State Mortuary and Cemetery Board in the action, proceeding or prosecution.

(Liability, Duty, Obligation)

SECTION 195. (1) Nothing in this 2013 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 191 of this 2013 Act. The Oregon Health Licensing Agency may undertake the collection or enforcement of any such liability, duty or obligation.

1 (2) The rights and obligations of the State Mortuary and Cemetery Board legally incurred
2 under contracts, leases and business transactions executed, entered into or begun before the
3 operative date of section 191 of this 2013 Act accruing under or with respect to the duties,
4 functions and powers transferred by section 191 of this 2013 Act are transferred to the
5 Oregon Health Licensing Agency. For the purpose of succession to these rights and obli-
6 gations, the Oregon Health Licensing Agency is a continuation of the State Mortuary and
7 Cemetery Board and not a new authority.

8
9 (Rules)

10
11 **SECTION 196.** Notwithstanding the transfer of duties, functions and powers by section
12 191 of this 2013 Act, the rules of the State Mortuary and Cemetery Board with respect to
13 such duties, functions or powers that are in effect on the operative date of section 191 of this
14 2013 Act continue in effect until superseded or repealed by rules of the Oregon Health Li-
15 censing Agency. References in such rules of the State Mortuary and Cemetery Board to the
16 State Mortuary and Cemetery Board or an officer or employee of the State Mortuary and
17 Cemetery Board are considered to be references to the Oregon Health Licensing Agency or
18 an officer or employee of the Oregon Health Licensing Agency.

19 **SECTION 197.** Whenever, in any uncodified law or resolution of the Legislative Assembly
20 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
21 the context of the duties, functions and powers transferred by section 191 of this 2013 Act,
22 reference is made to the State Mortuary and Cemetery Board, or an officer or employee of
23 the State Mortuary and Cemetery Board, whose duties, functions or powers are transferred
24 by section 191 of this 2013 Act, the reference is considered to be a reference to the Oregon
25 Health Licensing Agency or an officer or employee of the Oregon Health Licensing Agency
26 who by this 2013 Act is charged with carrying out such duties, functions and powers.

27
28 (Amendments to Statutes)

29
30 **SECTION 198.** ORS 692.025 is amended to read:

31 692.025. (1) An individual may not practice as a funeral service practitioner unless the individual
32 is licensed as a funeral service practitioner under ORS 692.045. Regardless of any title used by the
33 individual, an individual practices as a funeral service practitioner if the individual is engaged di-
34 rectly or indirectly in offering funeral services for payment or supervising or otherwise controlling
35 the transportation, care, preparation, processing and handling of dead human bodies before the
36 bodies undergo final disposition, or before the bodies are transported out of the State of Oregon.

37 (2) An individual may not practice as an embalmer unless the individual is licensed as an
38 embalmer under ORS 692.105. Regardless of any title used by the individual, an individual practices
39 as an embalmer if the individual is engaged or purports to be engaged in either of the following:

40 (a) The practice of disinfecting or preserving from decay dead human bodies.

41 (b) Preparing human bodies dead of contagious or infectious disease for transportation by rail-
42 road, express company or common carrier.

43 (3) An individual may not practice as a death care consultant unless the individual is licensed
44 as a death care consultant under ORS 692.143. Regardless of any title used by the individual, an
45 individual practices as a death care consultant if the individual offers, for payment, consultations

1 directly relating to the performance of funeral or final disposition services.

2 (4) A person may not operate a funeral establishment unless the establishment meets the re-
 3 quirements under this subsection. A place is a funeral establishment if the place is customarily used
 4 for the care, preparation or viewing of dead human bodies before the bodies undergo final disposi-
 5 tion, or before the bodies are transported out of the State of Oregon. A funeral establishment must:

6 (a) Be licensed [*by the State Mortuary and Cemetery Board*] under ORS 692.146;

7 (b) Be operated by a funeral service practitioner;

8 (c) Have on the premises embalming facilities or holding room facilities meeting requirements
 9 established by the [*board*] **State Mortuary and Cemetery Board by rule**; and

10 (d) Have access to hospital or mortuary refrigeration.

11 (5) A person may not operate an immediate disposition company unless the immediate disposition
 12 company meets the requirements under this subsection. An immediate disposition company must:

13 (a) Be licensed at a fixed location under ORS 692.146; and

14 (b) Be operated by a licensed funeral service practitioner.

15 (6) A person or city, county or other municipal corporation may not conduct the business of an
 16 operating cemetery without first receiving a certificate of authority to conduct the business of an
 17 operating cemetery under ORS 692.275.

18 (7) A person may not operate a crematorium unless the crematorium meets the requirements of
 19 ORS 692.275.

20 (8) An applicant for a license or certificate described in this section and a principal of a licensed
 21 establishment described in this section must consent to a background check, including information
 22 solicited from the Department of State Police.

23 **SECTION 199.** ORS 692.045, as amended by section 25, chapter 43, Oregon Laws 2012, is
 24 amended to read:

25 692.045. (1) The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall
 26 issue a license to an individual to practice as a funeral service practitioner if the individual meets
 27 the following requirements:

28 (a) The individual must apply to the [*board*] **agency** for a funeral service practitioner's license
 29 on an application form provided by the [*board*] **agency**.

30 (b) The individual must pass an examination conducted by the **State Mortuary and Cemetery**
 31 **Board** under ORS 692.070 following application for the funeral service practitioner's license.

32 (c) The individual must successfully complete practical experience as a funeral service
 33 practitioner's apprentice under ORS 692.190.

34 (2) An individual may not take an examination under ORS 692.070 until the individual has pro-
 35 vided written evidence of graduation from an associate degree program meeting the requirements
 36 established by [*board*] **the board by rule**.

37 (3) An applicant meets the requirements of subsection (1)(c) or (2) of this section if the applicant
 38 provides the [*board*] **agency** with documentation of military training or experience that the [*board*]
 39 **agency** determines, **in accordance with rules adopted by the board**, is substantially equivalent
 40 to the education or experience required by subsection (1)(c) or (2) of this section.

41 (4) Notwithstanding subsection (2) of this section, an applicant with four years of experience as
 42 a licensed funeral service practitioner or embalmer in this state or in another state is not required
 43 to provide written evidence of graduation from an associate degree program in order to take the
 44 examination under ORS 692.070.

45 **SECTION 200.** ORS 692.105, as amended by section 26, chapter 43, Oregon Laws 2012, is

1 amended to read:

2 692.105. (1) The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall
3 issue a license to an individual to practice as an embalmer if the individual is 18 years of age or
4 older, applies for a license and has successfully met the qualifications described in this section.

5 (2) An individual must apply for a license by applying to the [*board*] **agency** on an application
6 form provided by the [*board*] **agency**.

7 (3) An individual applying for a license under this section must meet the following requirements:

8 (a) The individual must complete 12 months of practical experience as an embalmer's apprentice
9 as provided in ORS 692.190.

10 (b) The individual must provide written evidence of graduation from an accredited program of
11 funeral service education **as defined by the State Mortuary and Cemetery Board by rule**.

12 (c) The individual must obtain a passing score on the examination provided in ORS 692.130 or
13 show evidence satisfactory to the [*board*] **agency** that the individual has successfully passed the
14 National Board Examination as administered by the Conference of Funeral Service Examining
15 Boards.

16 (d) The individual must be knowledgeable in the application of state law.

17 (4) When an individual provides written evidence of graduation from an accredited program of
18 funeral service education, if the individual does not show evidence satisfactory to the [*State*
19 *Mortuary and Cemetery Board*] **agency**, as provided under subsection (3) of this section, that the
20 individual has passed the National Board Examination, the State Mortuary and Cemetery Board may
21 examine the individual as provided in ORS 692.130. In any case, however, the [*board*] **agency** may
22 not issue an embalmer's license until an individual has completed the apprenticeship qualification.

23 (5) An applicant meets the requirements of subsection (3)(a) of this section if the applicant pro-
24 vides the [*State Mortuary and Cemetery Board*] **agency** with documentation of military experience
25 that the [*board*] **agency** determines, **in accordance with rules adopted by the board**, is substan-
26 tially equivalent to the experience required by subsection (3)(a) of this section.

27 **SECTION 201.** ORS 692.140 is amended to read:

28 692.140. (1) The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall
29 issue a license to practice as a funeral service practitioner or an embalmer to an applicant from
30 another state if:

31 (a) The applicant for recognition of the license applies to the [*board*] **agency** and fulfills the
32 requirements specified in subsection (2) of this section; and

33 (b) The [*board*] **agency** is satisfied that the applicant has the requisite qualifications for licens-
34 ing as a funeral service practitioner or an embalmer in this state **as prescribed by the State**
35 **Mortuary and Cemetery Board by rule**.

36 (2) An applicant under this section shall apply to the [*board*] **agency** on a form provided by the
37 [*board*] **agency**. The applicant shall include with the application:

38 (a) Proof satisfactory to the [*board*] **agency** that the applicant is licensed in good standing in
39 another state and has practiced as a funeral service practitioner or an embalmer who was licensed
40 and in good standing in another state for three of the five years immediately preceding the appli-
41 cation date.

42 (b) Payment of the initial reciprocity licensing fee established under ORS 692.160.

43 **SECTION 202.** ORS 692.143 is amended to read:

44 692.143. The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall issue
45 a license to an individual to practice as a death care consultant if the individual:

1 (1) Applies to the [board] **agency** for a death care consultant license on an application form
 2 provided by the [board] **agency**;

3 (2) Passes an examination conducted by the **State Mortuary and Cemetery** Board covering
 4 Oregon and federal laws and rules relating to the care, preparation, disposition and transportation
 5 of dead human bodies;

6 (3) Pays **to the agency** fees required by the board by rule; and

7 (4) Meets other requirements established by the board by rule.

8 **SECTION 203.** ORS 692.146 is amended to read:

9 692.146. (1) The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall
 10 issue a license to a funeral establishment or immediate disposition company if the person who will
 11 operate the establishment or immediate disposition company applies to the [board] **agency** for a li-
 12 cense on a form provided by the [board] **agency**. The application shall be accompanied by the ap-
 13 plication fee established under ORS 692.160.

14 (2) The application shall disclose the following:

15 (a) The name and address of the establishment or company.

16 (b) That the establishment is operated by a licensed funeral service practitioner.

17 (c) That the immediate disposition company is operated by a licensed funeral service practi-
 18 tioner.

19 (3) For purposes of this section and ORS 692.025, each branch of a licensee's funeral establish-
 20 ment or immediate disposition company is a separate establishment and must be licensed at a fixed
 21 place of business.

22 **SECTION 204.** ORS 692.148 is amended to read:

23 692.148. (1) If the principals of a licensed funeral establishment or immediate disposition com-
 24 pany change, the establishment or company shall apply to the [*State Mortuary and Cemetery*
 25 *Board*] **Oregon Health Licensing Agency** for a new license.

26 (2) A person holding a license or certificate of authority or who is registered under this chapter
 27 shall apply to the [board] **agency** for reissuance of the license, certificate or registration if any of
 28 the following occur:

29 (a) The name of the person changes;

30 (b) The location of the funeral establishment, immediate disposition company or crematorium
 31 changes;

32 (c) An apprentice registered under ORS 692.190 transfers from one licensed funeral service
 33 practitioner or licensed embalmer to another;

34 (d) The original license, registration or certificate is lost or destroyed; or

35 (e) When a person holding a license or certificate of authority issued under this chapter obtains
 36 another license or certificate of authority issued under this chapter.

37 (3) The application for reissuance of the license, registration or certificate shall include payment
 38 of the fee established under ORS 692.160. The [board] **agency** shall reissue the license, certificate
 39 or registration when the [board] **agency** receives the application and the fee.

40 **SECTION 205.** ORS 692.160 is amended to read:

41 692.160. (1) [*The fees that may be charged under this chapter are*] **The State Mortuary and**
 42 **Cemetery Board shall adopt, and the Oregon Health Licensing Agency shall collect, the fol-**
 43 **lowing fees:**

44 (a) A fee covering requests for applications for a funeral service practitioner license, an
 45 embalmer license, a death care consultant license, a funeral establishment license, an immediate

1 disposition company license, a certificate of authority for a cemetery, a certificate of authority for
 2 a crematorium, a certificate of authority for any other facility for final disposition of human re-
 3 mains, registration as a funeral service practitioner apprentice, registration as an embalmer ap-
 4 prentice, a certificate of removal registration, a license as a reciprocal funeral service practitioner
 5 or a license as a reciprocal embalmer. The application fee shall be accompanied by an additional fee
 6 for each principal of a funeral establishment, immediate disposition company, cemetery, crematorium
 7 or other facility for final disposition of human remains.

8 (b) A fee covering the renewal of a license for a funeral establishment, a license for an imme-
 9 mediate disposition company, a certificate of authority for a crematorium or a certificate of authority
 10 for any other facility for final disposition of human remains.

11 (c) A fee covering the renewal of a funeral service practitioner license, an embalmer license or
 12 a death care consultant license.

13 (d) A fee for renewal of a combination funeral service practitioner and embalmer license.

14 (e) A fee for renewal of the registration of a funeral service practitioner apprentice or an
 15 embalmer apprentice.

16 (f) An examination fee for a funeral service practitioner license, an embalmer license or a death
 17 care consultant license.

18 (g) A fee covering the renewal of a certificate of authority for a cemetery.

19 (h) A fee covering the reinstatement of a lapsed license or certificate of authority.

20 (i) A fee for reissuing a license, registration or certificate of authority as provided in ORS
 21 692.148.

22 (j) Fees for copying any public record maintained by the [*State Mortuary and Cemetery*] board
 23 **or agency**, for documents distributed by the board **or agency** and postage for mailing any copies
 24 or documents.

25 (2) All licenses granted under this chapter to funeral service practitioners, embalmers and death
 26 care consultants expire on January 1 in even-numbered years or on such date as may be specified
 27 by rule of the [*State Mortuary and Cemetery*] board. All licenses or certificates of authority granted
 28 under this chapter to operators of funeral establishments, to operators of immediate disposition
 29 companies, to operators of cemeteries, to operators of crematoriums or to operators of other facili-
 30 ties for final disposition of human remains expire on January 1 in odd-numbered years or on such
 31 date as may be specified by **the board by** rule.

32 (3) The [*board*] **agency** shall mail to each licensed funeral service practitioner, to each licensed
 33 embalmer, to each licensed death care consultant, to each licensed operator of a funeral establish-
 34 ment or immediate disposition company and to each cemetery, crematorium and other facility for
 35 final disposition of human remains holding a certificate of authority under ORS 692.275, addressed
 36 to the licensee or certificate holder at the licensee's or certificate holder's last-known address, a
 37 notice that the renewal fee is due and payable and that if the fee is not paid by the renewal date
 38 the license or certificate of authority shall lapse. The [*board*] **agency** shall mail the notice at least
 39 60 days before the license or certificate of authority expires.

40 (4) The board may impose **by rule** continuing education requirements as a prerequisite for
 41 relicensure **under this chapter**.

42 [(4)] (5) Subject to prior approval of the Oregon Department of Administrative Services and a
 43 report to the Emergency Board prior to adopting the fees and charges, the fees and charges estab-
 44 lished under this section shall not exceed the cost of administering [*the regulatory program of the*
 45 *State Mortuary and Cemetery Board pertaining to the purpose for which the fee or charge is estab-*

1 lished, as authorized by the Legislative Assembly within the board's budget, as the budget may be
 2 modified by the Emergency Board] **this chapter.**

3 **SECTION 206.** ORS 692.170 is amended to read:

4 692.170. (1) When a licensee or an apprentice has allowed a license or a certificate of appren-
 5 ticeship to lapse, the [State Mortuary and Cemetery Board] **Oregon Health Licensing Agency** may
 6 reinstate the license or certificate if the licensee or apprentice:

7 (a) Applies for reinstatement not later than the 90th day after the lapse; and

8 (b) Pays all fees owing to the date of reinstatement as well as a reinstatement fee established
 9 under ORS 692.160.

10 (2) Upon the lapse of a license or certificate, the [board] **agency** shall send the notice of lapse
 11 to the licensee or apprentice by registered or certified mail at the last-known address of the licensee
 12 or apprentice.

13 **SECTION 207.** ORS 692.180 is amended to read:

14 692.180. (1) Upon complaint or upon its own motion, the [State Mortuary and Cemetery Board]
 15 **Oregon Health Licensing Agency** may investigate a complaint made by any person or by the **State**
 16 **Mortuary and Cemetery Board related to activities regulated by this chapter.** If the [board]
 17 **agency** finds any of the causes described in this section in regard to any person, [licensee or appli-
 18 cant] **applicant for or holder of a license issued under this chapter** or the holder of a certificate
 19 of authority **issued under this chapter**, the [board] **agency** may impose, **in addition to any other**
 20 **penalty provided by law**, a civil penalty of not more than \$1,000 for each violation, suspend or
 21 revoke a license to practice or to operate under this chapter or refuse to grant or renew a license
 22 **to operate under this chapter.** The causes are as follows:

23 (a) Misrepresentation in the conduct of business or in obtaining a license.

24 (b) Fraudulent or dishonest conduct, when the conduct bears a demonstrable relationship to fu-
 25 neral service practice, embalming practice or the operation of cemeteries, crematoriums or other
 26 facilities for final disposition of human remains.

27 (c) Except as provided in this paragraph, solicitation of human remains by the licensee or any
 28 agent, assistant or employee of the licensee, either before or after death. This paragraph does not
 29 apply to:

30 (A) Activities permissible under ORS 97.923 to 97.949; or

31 (B) The sale, in accordance with provisions of the Insurance Code, of prearranged funeral or
 32 cemetery merchandise or services, or any combination thereof, to be funded by the contemporaneous
 33 or subsequent assignment of a life insurance policy or an annuity contract.

34 (d) Offensive treatment of dead human bodies or evidence that a body in the person's custody
 35 has been disposed of in violation of ORS chapter 432 or rules adopted pursuant thereto.

36 (e) Aiding or abetting a person who is not a licensee or an apprentice in any act involving the
 37 disposition of dead human bodies before the bodies undergo final disposition or before the bodies are
 38 transported out of the State of Oregon.

39 (f) Sale or reuse of any casket or body container that has been previously utilized for the
 40 placement of a deceased human body. This does not include use of a rental cover as defined in ORS
 41 692.010.

42 (g) Violation of any of the provisions of this chapter or any rules adopted under this chapter.

43 (h) Violation of any provision of ORS 97.929 or 97.937 or regulations adopted by the Federal
 44 Trade Commission regulating funeral industry practices.

45 (i) Conviction of a crime, when the crime bears a demonstrable relationship to funeral service

1 practice, embalming practice, death care consultant practice or the operation of cemeteries,
2 crematoriums or other facilities for final disposition of human remains. A certified copy of the con-
3 viction is conclusive evidence of the conviction.

4 (j) Violation of ORS chapter 97 as it relates to disposition of human bodies and to cemeteries.

5 (k) Refusing to surrender promptly the custody of a dead human body, upon the express order
6 of the person lawfully entitled to the custody of the body.

7 (L) Acting as the legal representative of any deceased person for whom the licensee has ren-
8 dered services governed by this chapter. This subsection does not prohibit a licensee from acting
9 as the legal representative of a deceased relative or a deceased licensee if the deceased licensee
10 was a partner, employee or employer in the licensee's practice.

11 (m) Failure to pay any civil penalty imposed by the [board] **agency** within 10 days after the
12 order is entered or, if appealed, within 10 days after the order is sustained on appeal.

13 (n) Impairment as defined in ORS 676.303.

14 (2) All amounts recovered under this section shall be deposited in the [*State Mortuary and*
15 *Cemetery Board Account established under ORS 692.375*] **Oregon Health Licensing Agency Ac-**
16 **count.**

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

18 (4)(a) Upon receipt of a complaint, the [board] **agency** shall conduct an investigation as de-
19 scribed under ORS 676.165.

20 **(b) Upon receipt of a complaint, the board shall report the complaint to the agency.**

21 (5)(a) Information that the [board] **agency** obtains as part of an investigation into licensee or
22 applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement
23 involving licensee or applicant conduct is confidential as provided under [*ORS 676.175*] **section 8**
24 **of this 2013 Act.**

25 **(b) Information the board obtains under subsection (4) of this section is confidential as**
26 **provided under section 8 of this 2013 Act.**

27 **SECTION 208.** ORS 692.190 is amended to read:

28 692.190. (1) An individual who wishes to engage as an apprentice shall apply to the [*State*
29 *Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** for registration as a funeral
30 service practitioner apprentice or an embalmer apprentice upon a form provided by the [board]
31 **agency**. The individual must consent to a background check, including information solicited from
32 the Department of State Police. The application must be accompanied by the fee established under
33 ORS 692.160.

34 (2) One funeral service practitioner apprentice at a time is authorized to operate under or in
35 connection with each licensed funeral service practitioner practicing in this state for the purpose
36 of learning the functions of a funeral service practitioner.

37 (3) One embalmer apprentice at a time is authorized to engage in the study of the art of
38 embalming under the instruction and supervision of each licensed embalmer practicing in this state.

39 (4) The duration of an apprenticeship required for licensure is:

40 (a) Twelve months for a funeral service practitioner apprentice.

41 (b) Twelve months for an embalmer apprentice.

42 (5) An individual may serve as a funeral service practitioner apprentice for an aggregate total
43 of not more than 48 months. In computing time under this subsection, the [board] **agency** shall ex-
44 clude time lost by interruptions caused by active duty of the apprentice in the military service of
45 the United States or its allies during war or national emergency and by interruptions that the

1 [board] agency finds are excusable under rules [of the] adopted by the State Mortuary and
 2 Cemetery Board.

3 (6) An embalmer apprentice may serve the apprenticeship concurrently with the funeral service
 4 practitioner apprenticeship.

5 (7) An individual may serve as an embalmer apprentice for an aggregate total of not more than
 6 48 months. In computing time under this subsection, the [board] agency shall exclude time lost by
 7 interruptions caused by active duty of the apprentice in the military service of the United States
 8 or its allies during war or national emergency and by interruptions that the [board] agency finds
 9 are excusable under rules [of] adopted by the board.

10 (8)(a) Notwithstanding subsections (2) and (3) of this section, a licensed funeral service practi-
 11 tioner or a licensed embalmer may serve as a preceptor for not more than three students serving
 12 a funeral service internship in accordance with guidelines established by an accredited funeral ser-
 13 vice education program.

14 (b) A student serving an internship in a program that covers both funeral service and embalming
 15 must be supervised by a practitioner who has a combination funeral service practitioner and
 16 embalmer license.

17 (9) The board shall adopt rules under which the [board] agency may confer credit for appren-
 18 ticeship service or its equivalency performed by:

19 (a) An applicant in another state; or

20 (b) An applicant whose license or certificate of apprenticeship has lapsed.

21 **SECTION 209.** ORS 692.230 is amended to read:

22 692.230. (1) The [State Mortuary and Cemetery Board] **Oregon Health Licensing Agency** may
 23 suspend or revoke a certificate of apprenticeship issued under **ORS 692.190**, after notice and upon
 24 hearing, if the [board] agency finds any of the causes specified in ORS 692.180 in regard to the ap-
 25 prentice.

26 (2) An apprentice who has had a certificate of apprenticeship suspended or revoked may apply
 27 for reregistration within one year after the suspension or revocation, but the [board] agency shall
 28 not allow more than two reregistrations. When the circumstances warrant, the [board] agency may
 29 allow, as prescribed by rules adopted by the State Mortuary and Cemetery Board, an appren-
 30 tice credit under a reregistration for time actually served under a previous registration. However,
 31 if the previous registration has been suspended or revoked under subsection (1) of this section, the
 32 [board] agency shall not credit on the registration more than 75 percent of the time previously
 33 served.

34 (3)(a) Upon receipt of a complaint, the [board] agency shall conduct an investigation as de-
 35 scribed under ORS 676.165.

36 (b) Upon receipt of a complaint, the board shall report the complaint to the agency.

37 (4)(a) Information that the [board] agency obtains as part of an investigation into licensee or
 38 applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement
 39 involving licensee or applicant conduct is confidential as provided under [ORS 676.175] **section 8**
 40 **of this 2013 Act.**

41 (b) Information the board obtains under subsection (3) of this section is confidential as
 42 provided under section 8 of this 2013 Act.

43 **SECTION 210.** ORS 692.260 is amended to read:

44 692.260. [The State Mortuary and Cemetery Board] **In addition to the sanctions described in**
 45 **ORS 676.612, the Oregon Health Licensing Agency** may revoke, suspend or refuse to renew a li-

1 cense issued to a funeral establishment or immediate disposition company if the board finds any of
 2 the following in regard to the establishment or company or its operation:

- 3 (1) Any of the causes specified in ORS 692.180.
- 4 (2) Violation of ORS 692.025 (4).
- 5 (3) Failure to comply with the rules of the [board] **State Mortuary and Cemetery Board**.

6 **SECTION 211.** ORS 692.265 is amended to read:

7 692.265. (1) If the [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency**
 8 proposes to impose a civil penalty or to revoke, suspend or refuse to issue or renew any license or
 9 certificate **authorized by this chapter**, the [board] **agency** shall accord an opportunity for hearing
 10 as provided in ORS chapter 183.

11 (2) Adoption of rules **by the State Mortuary and Cemetery Board**, conduct of hearings and
 12 issuance of orders **by the agency or board** and judicial review of rules and orders shall be as
 13 provided in ORS chapter 183.

14 **SECTION 212.** ORS 692.270 is amended to read:

15 692.270. (1) The [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency** shall
 16 issue a certificate of removal registration to a funeral establishment licensed in another state con-
 17 tiguous to Oregon with laws substantially similar to the provisions of this section for the limited
 18 purpose of removing dead human bodies from Oregon, prior to submitting a certificate of death, if
 19 the establishment that will make the removals applies to the [board] **agency** for a certificate of re-
 20 moval registration on a form provided by the [board] **agency**. The application fee established under
 21 ORS 692.160 shall accompany the application. A certificate issued under this subsection expires upon
 22 a change of ownership of the funeral establishment.

23 (2) For purposes of this section, each branch of a registrant's funeral establishment is a separate
 24 establishment and must be registered as a fixed place of business.

25 (3) Notwithstanding ORS 692.025 (1) and 692.045, a funeral service practitioner who files death
 26 certificates in another state may file an Oregon certificate of death if the funeral service practi-
 27 tioner is employed by a licensed funeral establishment registered with the [board] **agency** under this
 28 section.

29 (4) The conduct of a funeral service practitioner or any other person employed by or acting on
 30 behalf of a removal registrant shall be the direct responsibility of the holder of a certificate of re-
 31 moval registration.

32 (5) For any of the causes described in ORS 692.180, or for violation of any death care rule or
 33 law in another state, the [board] **agency** may impose upon the holder of a certificate of removal
 34 registration or applicant any of the sanctions described in ORS 692.180.

35 **SECTION 213.** ORS 692.275 is amended to read:

36 692.275. (1) A person may not conduct the business of an operating cemetery unless the person
 37 has a certificate of authority to do so. A person may apply for a certificate of authority on a form
 38 provided by the [*State Mortuary and Cemetery Board*] **Oregon Health Licensing Agency**. The ap-
 39 plication must be accompanied by the application fee established under ORS 692.160. However, any
 40 exempt operating cemetery is entitled to receive a certificate of authority to operate upon payment
 41 of an initial fee not to exceed \$100 and a fee not to exceed \$50 for registration of all principals re-
 42 gardless of the total number of principals. An exempt operating cemetery is not required to pay the
 43 renewal fee or the fee for any change in principal other than the cemetery manager.

44 (2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon
 45 Commission on Historic Cemeteries under ORS 97.782, must be registered with the [board] **agency**.

1 An owner of a cemetery, other than an operating cemetery or a historic cemetery listed with the
 2 Oregon Commission on Historic Cemeteries under ORS 97.782, must register the cemetery with the
 3 [board] **agency** on a form provided by the [board] **agency**. No fee may be required of a cemetery
 4 registrant.

5 (3) A person may not operate a crematorium unless the person has a certificate of authority to
 6 do so. A person may apply **to the agency** for a certificate of authority to operate a crematorium
 7 on a form provided by the [board] **agency**. The application must be accompanied by the application
 8 fee established under ORS 692.160.

9 (4) For purposes of this section and ORS 692.025, each location of a cemetery or crematorium
 10 is a separate location and must be licensed separately. Those cemeteries that are subject to regis-
 11 tration must be registered separately.

12 (5) The **State Mortuary and Cemetery Board** may consider the recommendations of national
 13 associations related to cremation in adopting rules regulating crematoriums.

14 (6) A person may not operate a facility for final disposition of human remains other than a
 15 cemetery or a crematorium unless the person has a certificate of authority to do so. A person may
 16 apply **to the agency** for a certificate of authority on a form provided by the [board] **agency**. The
 17 application must be accompanied by an application fee established under ORS 692.160.

18 (7) This section applies to operating cemeteries or other cemeteries owned by any city, county
 19 or other municipal corporation.

20 (8) The [board may not subject an exempt operating cemetery to] **agency may not conduct** ran-
 21 dom inspections **of an exempt operating cemetery**.

22 **SECTION 214.** ORS 692.320 is amended to read:

23 692.320. (1) The State Mortuary and Cemetery Board may adopt and enforce rules for the pro-
 24 tection of the public health, safety and welfare relating to the following:

25 (a) The licensing of or issuance of certificates of authority for funeral service practitioners,
 26 embalmers, death care consultants, funeral establishments, crematoriums, cemeteries and other fa-
 27 cilities for final disposition of human remains.

28 (b) The registration of apprentices.

29 (c) The practice of funeral service practitioners, embalmers and death care consultants, and the
 30 operation of funeral establishments, immediate disposition companies, crematoriums, cemeteries and
 31 other facilities for final disposition of human remains.

32 (d) Sanitary conditions of funeral establishments, crematoriums, cemeteries, other facilities for
 33 final disposition of human remains and any location in which human remains are stored or processed
 34 prior to final disposition.

35 (e) Matters necessary to carry out the provisions of this chapter.

36 **(2) The board shall have a common seal and, subject to any applicable provision of the**
 37 **State Personnel Relations Law, may employ staff, fix the compensation for them and incur**
 38 **other necessary expenses.**

39 [(2)] **(3) Other than areas used as living quarters, the [board] Oregon Health Licensing Agency**
 40 **shall inspect not less than once biennially the facilities and records of funeral establishments, cem-**
 41 **eteries, crematoriums and immediate disposition companies, other facilities for final disposition of**
 42 **human remains and any location in which human remains may be stored, temporarily held or pro-**
 43 **cessed prior to final disposition. The inspection of the records of such locations is limited to those**
 44 **records required to comply with this chapter, rules adopted by the board under this chapter or**
 45 **ORS chapter 432 or rules adopted pursuant thereto. The [board] agency may make random in-**

1 inspections at other times. The *[board]* **agency** shall employ one or more persons to perform such in-
 2 spections and aid in the enforcement of this chapter and rules adopted *[thereunder]* **by the board**
 3 **under this chapter**. A person employed under this subsection may not be a member of the board
 4 or actively engaged in a practice regulated by this chapter.

5 *[(3) The board may hold hearings, conduct investigations, subpoena witnesses, administer oaths*
 6 *and take testimony in order to carry out the provisions of this chapter.]*

7 *[(4) The board shall have a common seal and, subject to any applicable provision of the State*
 8 *Personnel Relations Law, may employ staff, fix the compensation for them and incur other necessary*
 9 *expenses.]*

10 **SECTION 215.** ORS 692.350 is amended to read:

11 692.350. Except as provided in this section, after each change in the provisions of this chapter
 12 or in the rules adopted **by the State Mortuary and Cemetery Board** under this chapter, the *[State*
 13 *Mortuary and Cemetery Board]* **Oregon Health Licensing Agency** shall publish for distribution to
 14 funeral service practitioners, embalmers and apprentices and to other interested persons, the pro-
 15 visions of this chapter together with all rules adopted *[under this chapter]* **by the board under this**
 16 **chapter**. If a change or changes in the rules are not extensive in scope, the *[board]* **agency** may
 17 publish the changes in supplementary form.

18 **SECTION 216.** ORS 692.375 is amended to read:

19 692.375. *[The State Mortuary and Cemetery Board Account is established in the State Treasury,*
 20 *separate and distinct from the General Fund.]* All moneys received by the *[State Mortuary and Cem-*
 21 *etary Board]* **Oregon Health Licensing Agency** under this chapter shall be paid into the **Oregon**
 22 **Health Licensing Agency** Account and are **continuously** appropriated *[continuously to be used*
 23 *only]* for the administration and enforcement of this chapter, for the administration and enforcement
 24 of ORS 97.931 and for the purpose of *[education of]* **educating** funeral service practitioners,
 25 embalmers and death care consultants. *[Any interest or other income from moneys in the account shall*
 26 *be credited to the account.]*

27 **SECTION 217.** ORS 692.385 is amended to read:

28 692.385. (1) Whenever it appears to the *[State Mortuary and Cemetery Board]* **Oregon Health**
 29 **Licensing Agency** that any person is engaged or about to engage in any acts or practices which
 30 constitute a violation of *[any statute administered by the board, or any rule or order issued there-*
 31 *under, the board]* **this chapter, a rule adopted by the State Mortuary and Cemetery Board**
 32 **under this chapter or an order issued by the agency pursuant to this chapter, the agency**
 33 may institute proceedings in the circuit courts to enforce obedience thereto by injunction, or by
 34 other processes, mandatory or otherwise, restraining such person, or its officers, agents, employees
 35 and representatives from further violation of *[such statute, rule or order]* **this chapter, rule adopted**
 36 **under this chapter or order issued pursuant to this chapter**, and enjoining upon them obedience
 37 thereto.

38 (2) The provisions of this section are in addition to and not in substitution of any other
 39 enforcement provisions contained in any statute administered by the *[board]* **agency**.

40 **SECTION 218.** ORS 692.387 is amended to read:

41 692.387. Upon application of the *[State Mortuary and Cemetery Board]* **Oregon Health Licensing**
 42 **Agency**, or any public officer, agent or employee of the *[board]* **agency** acting in the course of of-
 43 ficial duties, magistrates authorized to issue search warrants may issue an inspection warrant
 44 whenever an inspection or investigation of any place subject to *[the jurisdiction of the board]* **regu-**
 45 **lation under this chapter** is required or authorized. **For purposes of this section**, the inspection

1 warrant is an order authorizing the inspection or investigation to be conducted at a designated
 2 place [*subject to jurisdiction of the board*].

3 **SECTION 219.** ORS 692.389 is amended to read:

4 692.389. (1) An inspection warrant shall be issued only upon cause, supported by affidavit, par-
 5 ticularly describing the applicant's status in applying for the warrant under ORS 692.387 to 692.393,
 6 the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the
 7 place to be inspected or investigated and the purpose for which the inspection or investigation is
 8 to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall
 9 contain either a statement that entry has been sought and refused or facts or circumstances rea-
 10 sonably showing that the purposes of the inspection or investigation might be frustrated if entry
 11 were sought without an inspection warrant.

12 (2) Cause shall be considered to exist if reasonable legislative or administrative standards for
 13 conducting a routine, periodic or area inspection are satisfied with respect to the particular place
 14 subject to [*the jurisdiction of the State Mortuary and Cemetery Board*] **regulation under this chap-**
 15 **ter**, or there is probable cause to believe that a condition of nonconformity with [*a statute, rule or*
 16 *order within the board's authority*] **this chapter, rule adopted by the State Mortuary and Cem-**
 17 **etary Board under this chapter or order issued by the Oregon Health Licensing Agency**
 18 **pursuant to this chapter** exists with respect to the particular place, or an investigation is rea-
 19 sonably believed to be necessary in order to determine or verify the existence of [*jurisdiction or of*
 20 *a violation of any statute, rule or order enforceable by the board*] **a violation of this chapter, rule**
 21 **adopted by the State Mortuary and Cemetery Board under this chapter or order issued by**
 22 **the Oregon Health Licensing Agency pursuant to this chapter.**

23
 24 **CONFORMING AMENDMENTS**

25
 26 **SECTION 220.** ORS 40.250 is amended to read:

27 40.250. A regulated social worker under ORS 675.510 to 675.600 may not be examined in a civil
 28 or criminal court proceeding as to any communication given the regulated social worker by a client
 29 in the course of noninvestigatory professional activity when the communication was given to enable
 30 the regulated social worker to aid the client, except when:

31 (1) The client or a person legally responsible for the client's affairs gives consent to the disclo-
 32 sure;

33 (2) The client initiates legal action or makes a complaint against the regulated social worker
 34 to the State Board of Licensed Social Workers **or the Oregon Health Licensing Agency**;

35 (3) The communication reveals a clear intent to commit a crime that reasonably is expected to
 36 result in physical injury to a person;

37 (4) The communication reveals that a minor was the victim of a crime, abuse or neglect; or

38 (5) The regulated social worker is a public employee and the public employer has determined
 39 that examination in a civil or criminal court proceeding is necessary in the performance of the duty
 40 of the regulated social worker as a public employee.

41 **SECTION 221.** ORS 40.262 is amended to read:

42 40.262. A professional counselor or a marriage and family therapist licensed [*by the Oregon*
 43 *Board of Licensed Professional Counselors and Therapists*] under ORS 675.715 shall not be examined
 44 in a civil or criminal court proceeding as to any communication given the counselor or therapist
 45 by a client in the course of a noninvestigatory professional activity when such communication was

1 given to enable the counselor or the therapist to aid the client, except:

2 (1) When the client or those persons legally responsible for the affairs of the client give consent
 3 to the disclosure. If both parties to a marriage have obtained marital and family therapy by a li-
 4 censed marital and family therapist or a licensed counselor, the therapist or counselor shall not be
 5 competent to testify in a domestic relations action other than child custody action concerning in-
 6 formation acquired in the course of the therapeutic relationship unless both parties consent;

7 (2) When the client initiates legal action or makes a complaint against the licensed professional
 8 counselor or licensed marriage and family therapist to the [board] **Oregon Board of Licensed**
 9 **Professional Counselors and Therapists or the Oregon Health Licensing Agency;**

10 (3) When the communication reveals the intent to commit a crime or harmful act; or

11 (4) When the communication reveals that a minor is or is suspected to be the victim of crime,
 12 abuse or neglect.

13 **SECTION 222.** ORS 97.825 is amended to read:

14 97.825. (1) If the cemetery authority fails to remit to the trustee or trustees, in accordance with
 15 the law, the funds herein provided for endowment and special care, or fails to expend the net income
 16 from the funds and generally care for and maintain any portion of a cemetery entitled to endowment
 17 care, any three lot owners whose lots are entitled to endowment care, or any one lot owner whose
 18 lot is entitled to special care, or the next of kin, heirs at law or personal representatives of such
 19 lot owners, shall have the right, or the district attorney of any county wherein is situated such lots,
 20 shall have the power, by suit for mandatory injunction or for appointment of a receiver, to sue for,
 21 to take charge of, and to expend such net income. The suit may be filed in the circuit court of the
 22 county in which said cemetery is located, to compel the expenditure either by the cemetery au-
 23 thority or by any receiver so appointed by the court, of the net income from such endowment care
 24 fund for the purposes set out in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to
 25 97.920 and 97.990.

26 (2) When the Director of the Department of Consumer and Business Services has reason to be-
 27 lieve that a cemetery endowment care fund does not conform to the requirement of law, or when the
 28 director has reason to believe that any cemetery is operating in violation of ORS 97.810 or 97.820,
 29 or when the director has sent an endowment care cemetery a notice of delinquency to make any
 30 report to the director required by ORS 97.810, the director shall, as soon thereafter as reasonable,
 31 give notice of the foregoing to the trustee or trustees of the cemetery endowment care fund, the
 32 cemetery authority, the Attorney General of Oregon and the State Mortuary and Cemetery Board.
 33 **The State Mortuary and Cemetery Board shall inform the Oregon Health Licensing Agency**
 34 **of notice received under this subsection.**

35 (3) Within 120 days after the receipt of such notice, the Attorney General shall institute suit in
 36 the circuit court of any county of this state in which such cemetery is located, for a mandatory in-
 37 junction against further sales of graves, plots, crypts, niches, burial vaults, markers or other ceme-
 38 tery merchandise by such cemetery or for the appointment of a receiver to take charge of the
 39 cemetery, unless the Attorney General shall prior to that time be notified by the director that such
 40 failure to conform to the requirements of the law or to report has been corrected.

41 (4) The Attorney General may delay instituting any suit brought under subsection (3) of this
 42 section for no more than an additional 30 days if, in the discretion of the Attorney General after
 43 consulting with the director, it appears to the Attorney General:

44 (a) That the failure to conform to the requirements of the law or to report will be corrected;
 45 and

1 (b) That no harm to the public will occur during the additional 30 days.

2 (5) If a trustee fails to perform the duties of the trustee under ORS 97.810 to 97.920, the trustee
 3 shall be liable for any damage resulting from that failure to any lot owners or the next of kin, heirs
 4 at law or personal representatives of such lot owners.

5 (6) The court may award reasonable attorney fees, costs and disbursements to the prevailing
 6 party in an action under this section.

7 **SECTION 223.** ORS 97.931 is amended to read:

8 97.931. (1) A salesperson may not engage in prearrangement sales made by endowment care
 9 cemeteries under ORS 97.929 or in preconstruction sales or prearrangement sales unless the
 10 salesperson is registered with the **Oregon Health Licensing Agency in accordance with rules**
 11 **adopted by the** State Mortuary and Cemetery Board or holds a current funeral service practitioner
 12 license, embalmer license, funeral service practitioner apprentice registration or embalmer appren-
 13 tice registration. The board by rule shall:

- 14 (a) Establish procedures for issuing salesperson registrations under this subsection;
- 15 (b) Establish standards for determining whether a salesperson registration should be issued;
- 16 (c) Set renewal and salesperson registration fees; and
- 17 (d) Require biennial renewal of salesperson registrations.

18 (2) **The agency shall issue registrations under this section.** The *[board]* **agency** may con-
 19 duct a background check of any salesperson applying for registration under subsection (1) of this
 20 section. The background check may include information solicited from the Department of State Po-
 21 lice. After consideration of information obtained from any background check and any other infor-
 22 mation in its possession, the *[board]* **agency** shall determine, **in accordance with rules adopted**
 23 **by the board under subsection (1) of this section**, whether to register the salesperson.

24 (3)(a) The *[board]* **agency** may impose a civil penalty of up to \$1,000 per violation or suspend,
 25 revoke or refuse to issue or renew the registration of a salesperson described in subsection (1) of
 26 this section upon a determination that the applicant or holder has not complied with the provisions
 27 of ORS 97.923 to 97.949 or ORS chapter 692, or any rules adopted thereunder. When the *[board]*
 28 **agency** proposes to take such action, the person affected by the action shall be accorded notice and
 29 an opportunity for hearing as provided by ORS chapter 183. The *[board]* **agency** shall notify the
 30 Director of the Department of Consumer and Business Services of its intent to take action against
 31 a salesperson or person acting as a salesperson.

32 (b) The *[board]* **agency** shall suspend, revoke or refuse to issue or renew the registration of a
 33 salesperson if the director requests the *[board]* **agency** to take such action.

34 (4) Fees and other moneys received by the *[board]* **agency** under this section shall be deposited
 35 into the *[State Mortuary and Cemetery Board Account established in ORS 692.375]* **Oregon Health**
 36 **Licensing Agency Account.**

37 **SECTION 224.** ORS 97.933, as amended by section 4, chapter 7, Oregon Laws 2012, is amended
 38 to read:

39 97.933. (1) An entity may not engage in prearrangement sales or preconstruction sales, admin-
 40 ister prearrangement sales or preconstruction sales or provide merchandise or services to fulfill
 41 prearrangement sales or preconstruction sales unless the entity is certified by the Director of the
 42 Department of Consumer and Business Services. Each location at which an entity engages in pre-
 43 arrangement sales or preconstruction sales, administers prearrangement sales or preconstruction
 44 sales or provides merchandise or services to fulfill prearrangement sales or preconstruction sales
 45 must be separately certified. The director shall:

1 (a) Establish procedures for issuing certificates required by this section.

2 (b) Establish standards for determining whether a certificate should be issued.

3 (c) Set certification and renewal fees.

4 (d) Require annual renewal of certification.

5 (e) Establish standards for rules of conduct of certified providers.

6 (2) The fees described in this section must be sufficient to meet the costs associated with the
7 administration of ORS 97.923 to 97.949 and to maintain a reasonable emergency fund.

8 (3)(a) A certified provider shall file an annual report with the director on forms prescribed by
9 the director by rule. The annual report must contain any information reasonably considered neces-
10 sary by the director, including but not limited to:

11 (A) A disclosure of deposits and withdrawals of trust funds;

12 (B) The number of consecutively numbered prearrangement or preconstruction sales contracts
13 sold during the reporting period;

14 (C) A complete inventory of the funeral merchandise and cemetery merchandise delivered in lieu
15 of trust fund requirements under ORS 97.941, including:

16 (i) The location of the merchandise;

17 (ii) Merchandise serial numbers or warehouse receipt numbers identified by the name of the
18 purchaser or the beneficiary; and

19 (iii) The statement of the certified provider that each item of merchandise is in the seller's
20 possession at the specified location; and

21 (D) The number of withdrawals from or terminations of any trusts.

22 (b) If the annual report is not filed or is filed and shows any material discrepancy, the director
23 may take appropriate action and send notification of the matter to the State Mortuary and Cemetery
24 Board. **The State Mortuary and Cemetery Board shall inform the Oregon Health Licensing
25 Agency of notice received under this paragraph.**

26 (c) The director may relieve a certified provider of the duty to file the annual report upon a
27 determination that the certified provider has performed all obligations under the prearrangement
28 sales contract or preconstruction sales contract, or that such obligations lawfully have been as-
29 sumed by another certified provider or have been discharged or canceled.

30 (4) The director may audit the records of a certified provider that relate to prearrangement
31 sales or preconstruction sales, as the director may consider appropriate. The director may refer any
32 matter outside of normal auditing procedures to the office of the Attorney General for investigation
33 and send notification of the referral to the State Mortuary and Cemetery Board. **The State
34 Mortuary and Cemetery Board shall inform the Oregon Health Licensing Agency of notice
35 received under this subsection.**

36 (5) The conduct of individuals, including salespersons as defined in ORS 97.923, employed by a
37 certified provider is the direct responsibility of the certified provider.

38 (6) Authority to operate as a certified provider is not transferable. An entity that seeks to pur-
39 chase or otherwise acquire control of a cemetery or funeral establishment shall first apply to the
40 director to become a certified provider.

41 **SECTION 225.** ORS 97.941, as amended by section 8, chapter 7, Oregon Laws 2012, is amended
42 to read:

43 97.941. (1) Upon receiving anything of value under a prearrangement sales contract or precon-
44 struction sales contract, the certified provider who sold the contract shall deposit the following
45 amounts into one or more trust funds maintained pursuant to ORS 97.923 to 97.949, 97.992, 97.994

1 and 692.180:

2 (a) If the amount received is in payment of a guaranteed prearrangement sales contract or
3 guaranteed preconstruction sales contract, 90 percent of the amount received. The certified provider
4 who sold the contract is entitled to receive the remaining 10 percent.

5 (b) If the amount received is in payment of a nonguaranteed prearrangement sales contract or
6 nonguaranteed preconstruction sales contract, 100 percent of the amount received.

7 (2) A certified provider shall pay all trust funds required by ORS 97.923 to 97.949, 97.992, 97.994
8 and 692.180 directly to a master trustee or depository within five business days after the certified
9 provider receives the funds from the purchaser.

10 (3)(a) If a certified provider places trust funds in a depository, the funds may be invested only
11 in:

12 (A) Certificates of deposit;

13 (B) United States Treasury bills;

14 (C) Issues of United States government agencies;

15 (D) Guaranteed investment contracts; or

16 (E) Banker's acceptances or corporate bonds rated A or better by Standard & Poor's Corpo-
17 ration or Moody's Investors Service.

18 (b) Prearrangement sales contract trust fund and preconstruction sales contract trust fund ac-
19 counts must be in the name of the certified provider who sold the contract under ORS 97.923 to
20 97.949, 97.992, 97.994 and 692.180.

21 (4) A certified provider shall identify funds deposited in the trust fund account in the records
22 of the certified provider by the name of the purchaser and beneficiary. The certified provider shall
23 maintain records that specify the allocation of all earnings to each prearrangement sales contract
24 or preconstruction sales contract. Nothing prohibits the certified provider from directing a master
25 trustee or a depository to commingle the deposits in a trust fund account for purposes of managing
26 and investing the funds. A joint trust fund account must be identified by the name of the certified
27 provider.

28 (5) When a prearrangement sales contract or preconstruction sales contract includes rights of
29 interment and funeral or cemetery merchandise or services, the terms of the contract must clearly
30 provide for the application of payments received under the contract.

31 (6) An entity engaging in prearrangement sales or preconstruction sales that involve the sale
32 of items subject to trust and any item not subject to trust may not increase the sales price of those
33 items not subject to trust with the purpose of allocating a lesser sales price to items that require
34 a deposit of trust funds.

35 (7)(a) Except when the Director of the Department of Consumer and Business Services has made
36 the determination described in subsection (9)(a) of this section, a certified provider may appoint a
37 successor certified provider. The master trustee or depository shall release the trust funds deposited
38 under ORS 97.923 to 97.949, 97.992, 97.994 and 692.180 and accrued income only to the successor
39 certified provider as described in ORS 97.943 and 97.944.

40 (b) If appointing a successor certified provider under this subsection, the original certified pro-
41 vider shall notify the director of the proposed change at least 30 days before the appointment.

42 (8) A certified provider may appoint a successor depository or a master trustee and shall notify
43 the director of the proposed change at least 30 days before the appointment.

44 (9)(a) The director may appoint a successor certified provider upon a determination that:

45 (A) The original certified provider has failed to perform the duties of a certified provider;

1 (B) The certificate issued to the original certified provider has been revoked or surrendered; and

2 (C) The appointment of a successor certified provider is necessary to protect the interests of the
3 purchasers and beneficiaries of prearrangement sales contracts or preconstruction sales contracts.

4 (b) Depositories or master trustees holding deposits of trust funds by the original certified pro-
5 vider shall change their records to reflect the appointment of a successor certified provider upon
6 receipt of written notice of the appointment from the director.

7 (10) A trust fund account must be a single purpose fund. In the event of the certified provider's
8 bankruptcy, the funds and accrued income are not available to any creditor as assets of the certified
9 provider, but must be distributed to the purchasers or managed for the purchasers' benefit by the
10 trustee in bankruptcy, receiver or assignee.

11 (11)(a) If the original certified provider is licensed under ORS chapter 692 and voluntarily sur-
12 renders the license [*to the State Mortuary and Cemetery Board*], prearrangement sales contracts and
13 preconstruction sales contracts must be transferred to the successor certified provider appointed by
14 the director.

15 (b) If the original certified provider is not licensed under ORS chapter 692, upon presentation
16 of proof of the dissolution or insolvency, or merger with another certified provider, of the original
17 certified provider, the depository shall release the prearrangement trust fund deposits or precon-
18 struction trust fund deposits to the purchaser.

19 (c) If the original certified provider is licensed under ORS chapter 692, upon proof of the
20 insolvency or involuntary surrender of the license of the original certified provider, the depository
21 shall release the prearrangement trust fund deposits or preconstruction trust fund deposits to the
22 purchaser.

23 (12) The purchaser or beneficiary of a prearrangement sales contract or preconstruction sales
24 contract may be named cotrustee with the certified provider with the written consent of the pur-
25 chaser or beneficiary.

26 (13) A certified provider who has not appointed a master trustee and is placing funds with a
27 depository shall have an annual audit of all trust account funds performed by an independent cer-
28 tified public accountant in accordance with generally accepted accounting procedures. The certified
29 provider shall provide the audit results to the director as part of the annual report required under
30 ORS 97.933.

31 **SECTION 226.** ORS 97.948, as amended by section 15, chapter 7, Oregon Laws 2012, is amended
32 to read:

33 97.948. (1) The Director of the Department of Consumer and Business Services may discipline a
34 certified provider, master trustee or entity acting as a certified provider or master trustee without
35 certification or registration who has been found by an audit or examination conducted by the di-
36 rector:

37 (a) To be in violation of ORS 97.923 to 97.949;

38 (b) To have liabilities that exceed assets;

39 (c) To be unable to meet obligations as they come due; or

40 (d) To be in a financial condition that fails to adequately protect the interests of customers.

41 (2) In disciplining a certified provider, master trustee or entity acting as a certified provider or
42 master trustee without certification or registration under subsection (1) of this section, the director
43 may take the following actions:

44 (a) Impose probation.

45 (b) Suspend the certificate or registration.

1 (c) Revoke the certificate or registration.

2 (d) Place limitations on the certificate or registration.

3 (e) Refuse to issue or renew a certificate or registration.

4 (f) Issue an order to cease and desist from the activities that support the discipline.

5 (g) Take any other disciplinary action that the director finds proper, including assessment of the
6 costs of the investigation and disciplinary proceedings and assessment of a civil penalty not to ex-
7 ceed \$10,000 per violation.

8 (3) If the certificate or registration of a certified provider or master trustee is suspended under
9 this section, the holder of the certificate or registration may not engage in the activities allowed
10 by the certificate or registration during the term of suspension. Upon the expiration of the term of
11 suspension, the director shall reinstate the certificate or registration if the conditions for which the
12 certificate or registration was suspended no longer exist.

13 (4) The director shall enter each case of disciplinary action on the records of the Department
14 of Consumer and Business Services.

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

16 (6) If the director takes disciplinary action under this section, the director may send a notice
17 of the action to the State Mortuary and Cemetery Board and to the Attorney General. **The State
18 Mortuary and Cemetery Board shall inform the Oregon Health Licensing Agency of notice
19 received under this subsection.**

20 **SECTION 227.** ORS 97.949, as amended by section 16, chapter 7, Oregon Laws 2012, is amended
21 to read:

22 97.949. (1) If the Director of the Department of Consumer and Business Services has reason to
23 believe that a person has violated any provision of ORS 97.923 to 97.949, the director may give the
24 information relative to the violation to the appropriate federal, state or local law enforcement offi-
25 cer having jurisdiction over the violation.

26 (2) If the director, in the course of taking an action against a certified provider, master trustee
27 or entity acting as a certified provider or master trustee without certification or registration, finds
28 that a salesperson or person acting as a salesperson has violated any provision of ORS 97.923 to
29 97.949, the director shall provide the State Mortuary and Cemetery Board **and the Oregon Health
30 Licensing Agency** with a copy of the findings and the order of the director. The *[board]* **agency**
31 shall, upon receipt of such information, discipline the salesperson or person acting as a salesperson
32 as required by law.

33 **SECTION 228.** ORS 109.675 is amended to read:

34 109.675. (1) A minor 14 years of age or older may obtain, without parental knowledge or consent,
35 outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, ex-
36 cluding methadone maintenance, by a physician licensed by the Oregon Medical Board, a psychol-
37 ogist licensed *[by the State Board of Psychologist Examiners]* **under ORS 675.010 to 675.150**, a nurse
38 practitioner registered by the Oregon State Board of Nursing, a clinical social worker licensed *[by*
39 *the State Board of Licensed Social Workers]* **under ORS 675.510 to 675.600** or a community mental
40 health program established and operated pursuant to ORS 430.620 when approved to do so by the
41 Oregon Health Authority pursuant to rule.

42 (2) However, the person providing treatment shall have the parents of the minor involved before
43 the end of treatment unless the parents refuse or unless there are clear clinical indications to the
44 contrary, which shall be documented in the treatment record. The provisions of this subsection do
45 not apply to:

1 (a) A minor who has been sexually abused by a parent; or

2 (b) An emancipated minor, whether emancipated under the provisions of ORS 109.510 and
 3 109.520 or 419B.550 to 419B.558 or, for the purpose of this section only, emancipated by virtue of
 4 having lived apart from the parents or legal guardian while being self-sustaining for a period of 90
 5 days prior to obtaining treatment as provided by this section.

6 **SECTION 229.** ORS 128.640 is amended to read:

7 128.640. (1) ORS 128.610 to 128.750 do not apply to the United States, any state, territory or
 8 possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or to
 9 any of their agencies or governmental subdivisions.

10 (2) ORS 128.650 to 128.670 and 128.720 do not apply to:

11 (a) Any religious corporation sole or other religious corporation or organization which holds
 12 property for religious purposes, or to any officer, director or trustee thereof who holds property for
 13 like purposes;

14 (b) A cemetery that is registered [*with the State Mortuary and Cemetery Board*] under ORS
 15 692.275 or a historic cemetery listed with the Oregon Commission on Historic Cemeteries under ORS
 16 97.782;

17 (c) A trustee that holds property for charitable purposes in the event that the sole beneficiary
 18 of a charitable remainder trust serves as trustee; or

19 (d) A child-caring agency regulated under ORS 418.215 to 418.265.

20 **SECTION 230.** ORS 146.015 is amended to read:

21 146.015. (1) There is hereby established the State Medical Examiner Advisory Board.

22 (2) The board shall make policies for the administration of ORS 146.003 to 146.189 and the De-
 23 partment of State Police shall adopt rules to effectuate the policies.

24 (3) The board shall recommend the name or names of pathologists to the Superintendent of State
 25 Police from which the superintendent shall appoint the State Medical Examiner.

26 (4) The board consists of 11 members appointed by the Governor who are:

27 (a) The Chair of the Department of Pathology of the Oregon Health and Science University, who
 28 is the chairperson of the board;

29 (b) The State Health Officer;

30 (c) A sheriff;

31 (d) A trauma physician recommended by the State Trauma Advisory Board;

32 (e) A pathologist;

33 (f) A district attorney;

34 (g) A funeral service practitioner and embalmer licensed [*by the State Mortuary and Cemetery*
 35 *Board*] **under ORS chapter 692;**

36 (h) A chief of police;

37 (i) A member of the defense bar;

38 (j) A member of the public at large; and

39 (k) A member of one of the federally recognized Oregon Indian tribes.

40 (5) The members described in subsection (4)(a) and (b) of this section may serve as long as they
 41 hold their respective positions. The term of office of each member described in subsection (4)(c), (f)
 42 and (h) of this section is for four years, except that the position becomes vacant if the member
 43 ceases to be a sheriff, district attorney or chief of police, respectively. The terms of office of the
 44 other members of the State Medical Examiner Advisory Board are for four years.

45 (6) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

1 (7) The board shall meet annually at a time and place determined by the chairperson. The
2 chairperson or any four members of the board may call a special meeting upon not less than one
3 week's notice to the members of the board.

4 (8) Six members of the board constitute a quorum.

5 **SECTION 231.** ORS 192.450 is amended to read:

6 192.450. (1) Subject to ORS 192.480 and subsection (4) of this section, any person denied the right
7 to inspect or to receive a copy of any public record of a state agency may petition the Attorney
8 General to review the public record to determine if it may be withheld from public inspection. Ex-
9 cept as provided in subsection (5) of this section, the burden is on the agency to sustain its action.
10 Except as provided in subsection (5) of this section, the Attorney General shall issue an order de-
11 nying or granting the petition, or denying it in part and granting it in part, within seven days from
12 the day the Attorney General receives the petition.

13 (2) If the Attorney General grants the petition and orders the state agency to disclose the re-
14 cord, or if the Attorney General grants the petition in part and orders the state agency to disclose
15 a portion of the record, the state agency shall comply with the order in full within seven days after
16 issuance of the order, unless within the seven-day period it issues a notice of its intention to insti-
17 tute proceedings for injunctive or declaratory relief in the Circuit Court for Marion County or, as
18 provided in subsection (6) of this section, in the circuit court of the county where the record is held.
19 Copies of the notice shall be sent to the Attorney General and by certified mail to the petitioner
20 at the address shown on the petition. The state agency shall institute the proceedings within seven
21 days after it issues its notice of intention to do so. If the Attorney General denies the petition in
22 whole or in part, or if the state agency continues to withhold the record or a part of it
23 notwithstanding an order to disclose by the Attorney General, the person seeking disclosure may
24 institute such proceedings.

25 (3) The Attorney General shall serve as counsel for the state agency in a suit filed under sub-
26 section (2) of this section if the suit arises out of a determination by the Attorney General that the
27 public record should not be disclosed, or that a part of the public record should not be disclosed if
28 the state agency has fully complied with the order of the Attorney General requiring disclosure of
29 another part or parts of the public record, and in no other case. In any case in which the Attorney
30 General is prohibited from serving as counsel for the state agency, the agency may retain special
31 counsel.

32 (4) A person denied the right to inspect or to receive a copy of any public record of a health
33 professional regulatory board, as defined in ORS 676.160, **or the Oregon Health Licensing Agency**
34 **under section 8 of this 2013 Act**, that contains information concerning a licensee or applicant, and
35 petitioning the Attorney General to review the public record shall, on or before the date of filing
36 the petition with the Attorney General, send a copy of the petition by first class mail to the health
37 professional regulatory board **or agency**. Not more than 48 hours after the board **or agency** re-
38 ceives a copy of the petition, the board **or agency** shall send a copy of the petition by first class
39 mail to the licensee or applicant who is the subject of any record for which disclosure is sought.
40 When sending a copy of the petition to the licensee or applicant, the board **or agency** shall include
41 a notice informing the licensee or applicant that a written response by the licensee or applicant
42 may be filed with the Attorney General not later than seven days after the date that the notice was
43 sent by the board **or agency**. Immediately upon receipt of any written response from the licensee
44 or applicant, the Attorney General shall send a copy of the response to the petitioner by first class
45 mail.

1 (5) The person seeking disclosure of a public record of a health professional regulatory board,
 2 as defined in ORS 676.160, **or the agency** that is confidential or exempt from disclosure under ORS
 3 676.165 [or], 676.175 **or section 8 of this 2013 Act**, shall have the burden of demonstrating to the
 4 Attorney General by clear and convincing evidence that the public interest in disclosure outweighs
 5 other interests in nondisclosure, including but not limited to the public interest in nondisclosure.
 6 The Attorney General shall issue an order denying or granting the petition, or denying or granting
 7 it in part, not later than the 15th day following the day that the Attorney General receives the pe-
 8 tition. A copy of the Attorney General’s order granting a petition or part of a petition shall be
 9 served by first class mail on the health professional regulatory board **or agency**, the petitioner and
 10 the licensee or applicant who is the subject of any record ordered to be disclosed. The health pro-
 11 fessional regulatory board **or agency** shall not disclose any record prior to the seventh day follow-
 12 ing the service of the Attorney General’s order on a licensee or applicant entitled to receive notice
 13 under this subsection.

14 (6) If the Attorney General grants or denies the petition for a record of a health professional
 15 regulatory board, as defined in ORS 676.160, **or the agency** that contains information concerning
 16 a licensee or applicant, the board, **agency or** a person denied the right to inspect or receive a copy
 17 of the record or the licensee or applicant who is the subject of the record may institute proceedings
 18 for injunctive or declaratory relief in the circuit court for the county where the public record is
 19 held. The party seeking disclosure of the record shall have the burden of demonstrating by clear and
 20 convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure,
 21 including but not limited to the public interest in nondisclosure.

22 (7) The Attorney General may comply with a request of a health professional regulatory board
 23 **or the agency** to be represented by independent counsel in any proceeding under subsection (6) of
 24 this section.

25 **SECTION 232.** ORS 401.651 is amended to read:

26 401.651. As used in ORS 401.651 to 401.670:

27 (1) “Health care facility” means a health care facility as defined in ORS 442.015 that has been
 28 licensed under ORS chapter 441.

29 (2) “Health care provider” means:

30 (a) An individual licensed, certified or otherwise authorized or permitted by the laws of this
 31 state or another state to administer health care services in the ordinary course of business or
 32 practice of a profession; and

33 (b) A person entered in the emergency health care provider registry under ORS 401.658.

34 (3) “Health professional regulatory board” [*has the meaning given that term in ORS 676.160.*]
 35 **means the:**

36 (a) **State Board of Examiners for Speech-Language Pathology and Audiology;**

37 (b) **State Board of Chiropractic Examiners;**

38 (c) **State Board of Licensed Social Workers;**

39 (d) **Oregon Board of Licensed Professional Counselors and Therapists;**

40 (e) **Oregon Board of Dentistry;**

41 (f) **Board of Licensed Dietitians;**

42 (g) **State Board of Massage Therapists;**

43 (h) **State Mortuary and Cemetery Board;**

44 (i) **Oregon Board of Naturopathic Medicine;**

45 (j) **Oregon State Board of Nursing;**

- 1 **(k) Nursing Home Administrators Board;**
- 2 **(L) Oregon Board of Optometry;**
- 3 **(m) State Board of Pharmacy;**
- 4 **(n) Oregon Medical Board;**
- 5 **(o) Occupational Therapy Licensing Board;**
- 6 **(p) Physical Therapist Licensing Board;**
- 7 **(q) State Board of Psychologist Examiners;**
- 8 **(r) Board of Medical Imaging;**
- 9 **(s) Oregon State Veterinary Medical Examining Board; and**
- 10 **(t) Oregon Health Authority, to the extent that the authority licenses emergency medical**
- 11 **services providers.**

12 **SECTION 233.** ORS 414.665 is amended to read:

13 414.665. (1) The Oregon Health Authority, in consultation with the appropriate health profes-
 14 sional regulatory boards as defined in ORS 676.160, **appropriate boards and councils listed under**
 15 **ORS 676.606** and advocacy groups, shall develop and establish with respect to community health
 16 workers, personal health navigators, peer wellness specialists and other health care workers who
 17 are not regulated or certified by this state:

18 (a) The criteria and descriptions of such individuals that may be utilized by coordinated care
 19 organizations; and

20 (b) Education and training requirements for such individuals.

21 (2) The criteria and requirements established under subsection (1) of this section:

22 (a) Must be broad enough to encompass the potential unique needs of any coordinated care or-
 23 ganization;

24 (b) Must meet requirements of the Centers for Medicare and Medicaid Services to qualify for
 25 federal financial participation; and

26 (c) May not require certification by the Home Care Commission.

27 **SECTION 234.** ORS 430.010 is amended to read:

28 430.010. As used in ORS 430.010 to 430.050, 430.140, 430.160, 430.165, 430.265 and 430.610 to
 29 430.695:

30 (1) “Authority” means the Oregon Health Authority.

31 (2) “Department” means the Department of Human Services.

32 (3) “Health facility” means a facility licensed as required by ORS 441.015 or a facility accredited
 33 by the Joint Commission on Accreditation of Hospitals, either of which provides full-day or part-day
 34 acute treatment for alcoholism, drug addiction or mental or emotional disturbance, and is licensed
 35 to admit persons requiring 24-hour nursing care.

36 (4) “Mental retardation” is synonymous with “intellectual disability” as defined in ORS 427.005.

37 (5) “Residential facility” or “day or partial hospitalization program” means a program or facility
 38 providing an organized full-day or part-day program of treatment. Such a program or facility shall
 39 be licensed, approved, established, maintained, contracted with or operated by the authority under:

40 (a) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

41 (b) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

42 (c) ORS 430.610 to 430.880 for mental or emotional disturbances.

43 (6) “Outpatient service” means:

44 (a) A program or service providing treatment by appointment and by:

45 (A) Medical or osteopathic physicians licensed by the Oregon Medical Board under ORS 677.010

1 to 677.450;

2 (B) Psychologists licensed [*by the State Board of Psychologist Examiners*] under ORS 675.010 to
3 675.150;

4 (C) Nurse practitioners registered by the Oregon State Board of Nursing under ORS 678.010 to
5 678.410;

6 (D) Regulated social workers authorized to practice regulated social work [*by the State Board
7 of Licensed Social Workers*] under ORS 675.510 to 675.600; or

8 (E) Professional counselors or marriage and family therapists licensed [*by the Oregon Board of
9 Licensed Professional Counselors and Therapists*] under ORS 675.715 to 675.835; or

10 (b) A program or service providing treatment by appointment that is licensed, approved, estab-
11 lished, maintained, contracted with or operated by the authority under:

12 (A) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

13 (B) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

14 (C) ORS 430.610 to 430.880 for mental or emotional disturbances.

15 **SECTION 235.** ORS 431.960 is amended to read:

16 431.960. As used in ORS 431.962 to 431.978 and 431.992:

17 (1) “Dispense” and “dispensing” have the meanings given those terms in ORS 689.005.

18 (2) “Drug outlet” has the meaning given that term in ORS 689.005.

19 (3) “Health professional regulatory board” [*has the meaning given that term in ORS 676.160.*]

20 **means the:**

21 (a) **State Board of Examiners for Speech-Language Pathology and Audiology;**

22 (b) **State Board of Chiropractic Examiners;**

23 (c) **State Board of Licensed Social Workers;**

24 (d) **Oregon Board of Licensed Professional Counselors and Therapists;**

25 (e) **Oregon Board of Dentistry;**

26 (f) **Board of Licensed Dietitians;**

27 (g) **State Board of Massage Therapists;**

28 (h) **State Mortuary and Cemetery Board;**

29 (i) **Oregon Board of Naturopathic Medicine;**

30 (j) **Oregon State Board of Nursing;**

31 (k) **Nursing Home Administrators Board;**

32 (L) **Oregon Board of Optometry;**

33 (m) **State Board of Pharmacy;**

34 (n) **Oregon Medical Board;**

35 (o) **Occupational Therapy Licensing Board;**

36 (p) **Physical Therapist Licensing Board;**

37 (q) **State Board of Psychologist Examiners;**

38 (r) **Board of Medical Imaging;**

39 (s) **Oregon State Veterinary Medical Examining Board; and**

40 (t) **Oregon Health Authority, to the extent that the authority licenses emergency medical
41 services providers.**

42 (4) “Practitioner” has the meaning given that term in ORS 689.005.

43 (5) “Prescription” has the meaning given that term in ORS 475.005.

44 (6) “Prescription drug” has the meaning given that term in ORS 689.005.

45 **SECTION 236.** ORS 431.972 is amended to read:

1 431.972. (1) As used in this section, “board” means:

- 2 (a) The Oregon Medical Board;
- 3 (b) The Oregon Board of Dentistry;
- 4 (c) The Oregon Board of Naturopathic Medicine;
- 5 (d) The Oregon State Board of Nursing;
- 6 (e) The Oregon Board of Optometry; and
- 7 (f) The State Board of Pharmacy.

8 (2)(a) In addition to other licensing fees imposed by a board on licensees, a board shall adopt
 9 rules imposing a fee of \$25 per year on each person licensed by the board who is authorized to
 10 prescribe or dispense controlled substances. A board **or, if the board is the Oregon Board of**
 11 **Naturopathic Medicine, the Oregon Health Licensing Agency** shall collect the fee at the same
 12 time the board **or agency** collects other licensing fees imposed on licensees.

13 (b) A board **or the agency** shall retain 10 percent of the fees collected under paragraph (a) of
 14 this subsection to cover the costs of accounting and collection of the fees.

15 (c) On the first day of each calendar quarter, a board **or the agency** shall transmit 90 percent
 16 of the fees collected under paragraph (a) of this subsection during the preceding calendar quarter
 17 to the Electronic Prescription Monitoring Fund established in ORS 431.974.

18 **SECTION 237.** ORS 432.005 is amended to read:

19 432.005. As used in this chapter, unless the context requires otherwise:

- 20 (1) “Authority” means the Oregon Health Authority.
- 21 (2) “Dead body” means a human body or such parts of such human body from the condition of
 22 which it reasonably may be concluded that death occurred.
- 23 (3) “Director” means the Director of the Oregon Health Authority.
- 24 (4) “Divorce” means dissolution of a marriage.
- 25 (5) “Fetal death” means death prior to the complete expulsion or extraction from its mother of
 26 a product of human conception, irrespective of the duration of pregnancy. The death is indicated
 27 by the fact that after such expulsion or extraction the fetus does not breathe or show any other
 28 evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement
 29 of the voluntary muscles.
- 30 (6) “File” means the presentation and acceptance of a vital record or vital report provided for
 31 in this chapter by the Center for Health Statistics.
- 32 (7) “Final disposition” means the burial, interment, cremation, removal from the state or other
 33 authorized disposition of a dead body or fetus, except that when removal from the state is conducted
 34 by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition
 35 may not be considered complete until the certificate of death is filed.
- 36 (8) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine
 37 pregnancy with the intention other than to produce a live-born infant and that does not result in a
 38 live birth.
- 39 (9) “Institution” means any establishment, public or private, that provides inpatient or outpa-
 40 tient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or
 41 to which persons are committed by law.

42 (10) “Live birth” means the complete expulsion or extraction from its mother of a product of
 43 human conception, irrespective of the duration of pregnancy, that, after such expulsion or ex-
 44 traction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the
 45 umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has

1 been cut or the placenta is attached.

2 (11) "Person acting as a funeral service practitioner" means:

3 (a) A person other than a funeral service practitioner licensed under ORS 692.045, including but
4 not limited to a relative, friend or other interested party, who performs the duties of a funeral ser-
5 vice practitioner without payment; or

6 (b) A funeral service practitioner who files death certificates in another state if the funeral
7 service practitioner is employed by a funeral establishment licensed in another state and registered
8 [*with the State Mortuary and Cemetery Board*] under ORS 692.270.

9 (12) "Physician" means a person authorized or licensed under the laws of this state to practice
10 medicine, osteopathy, chiropractic or naturopathic medicine.

11 (13) "Registration" means the process by which vital records and vital reports are completed,
12 filed and incorporated into the official records of the Center for Health Statistics.

13 (14) "State registrar" means the State Registrar of the Center for Health Statistics.

14 (15) "System of vital statistics" means the registration, collection, preservation, amendment and
15 certification of vital records and vital reports; the collection of other reports required by this
16 chapter, and activities related thereto including the tabulation, analysis, dissemination and publica-
17 tion of vital statistics and training in the use of health data.

18 (16) "Vital records" means certificates or reports of birth, death, marriage, declaration of do-
19 mestic partnership, dissolution of marriage or domestic partnership and data related thereto.

20 (17) "Vital reports" means reports of fetal death, induced termination of pregnancy, suicide at-
21 tempts by persons under 18 years of age and survey and questionnaire documents and data related
22 thereto.

23 (18) "Vital statistics" means the data derived from certificates and reports of birth, death, fetal
24 death, induced termination of pregnancy, marriage, declaration of domestic partnership, dissolution
25 of marriage, dissolution of domestic partnership, suicide attempts by persons under 18 years of age
26 and related reports.

27 **SECTION 238.** ORS 432.312 is amended to read:

28 432.312. (1) The Oregon Health Authority shall impose and collect a filing fee of \$20 for each
29 certificate of death. Of the fee, \$6 shall be deposited to the credit of the Public Health Account and
30 used to carry out the purposes of ORS 97.170 (6) and \$14 shall be deposited to the credit of the [*State*
31 *Mortuary and Cemetery Board Account*] **Oregon Health Licensing Agency Account** and used in the
32 same manner as funds credited to the account under ORS 692.375.

33 (2) The expenditures under ORS 97.170 (6) and 692.375 may not exceed the funds collected under
34 subsection (1) of this section, and in no event may expenditure on the administration of the funds
35 exceed five percent of the moneys collected.

36 **SECTION 239.** ORS 433.010 is amended to read:

37 433.010. (1) No person shall willfully cause the spread of any communicable disease within this
38 state.

39 (2) Whenever Oregon Revised Statutes require a person to secure a health certificate, such
40 certificate shall be acquired, **in accordance with the rules of the Oregon Health Authority**, from
41 a physician licensed by the Oregon Medical Board or **by the Oregon [Board of] Health Licensing**
42 **Agency to practice** naturopathic medicine [*in accordance with the rules of the Oregon Health Au-*
43 *thority*].

44 **SECTION 240.** ORS 433.035 is amended to read:

45 433.035. (1)(a) The Public Health Director or a local public health administrator may require

1 testing or medical examination of any person who may have, or may have been exposed to, a
2 communicable disease identified by rule of the Oregon Health Authority to be a reportable disease,
3 a new or uncommon disease of potential public health significance, or a condition that is the basis
4 of a state of public health emergency declared by the Governor as authorized by ORS 433.441. The
5 Public Health Director or the local public health administrator must issue a written order for test-
6 ing or medical examination pursuant to this section.

7 (b) A written order must:

8 (A) Include findings stating the communicable disease that the Public Health Director or the
9 local public health administrator believes the person has and the reasons for that belief.

10 (B) State whether medical or laboratory confirmation of the disease is feasible and possible and
11 whether such confirmation would enable control measures to be taken to minimize infection of oth-
12 ers with the disease.

13 (C) Include a statement that the person may refuse to submit to the testing or medical exam-
14 ination and that if the testing or examination is refused, the Public Health Director or the local
15 public health administrator may seek the imposition of a public health measure, including isolation
16 or quarantine pursuant to ORS 433.121 or 433.123.

17 (2) When a person is directed to submit to a test or examination under this section and the
18 person agrees to do so, the person shall submit to any testing or examination as may be necessary
19 to establish the presence or absence of the communicable disease for which the testing or exam-
20 ination was directed. The examination shall be carried out by the local health officer or a physician
21 licensed by the Oregon Medical Board or the Oregon [*Board of*] **Health Licensing Agency to**
22 **practice** naturopathic medicine. A written report of the results of the test or examination shall be
23 provided to the person ordering the test or examination, and upon request, to the person tested or
24 examined. Laboratory examinations, if any, shall be carried out by the laboratory of the authority
25 whenever the examinations are within the scope of the tests conducted by the laboratory. If treat-
26 ment is needed, the person or the parent or guardian of the person shall be liable for the costs of
27 treatment based on the examination carried out under this section, if the person liable is able to
28 pay the treatment costs. Cost of any examination performed by a physician in private practice shall
29 be paid from public funds available to the local public health administrator, if any, or from county
30 funds available for general governmental expenses in the county that the local public health ad-
31 ministrator serves or in the county where the person tested or examined resides if the local public
32 health administrator serves more than one county or the test or examination was ordered by the
33 Public Health Director or local public health administrator.

34 (3) If a person has a communicable disease, a new or uncommon disease of potential public
35 health significance, or a condition that is the basis of a state of public health emergency, the Public
36 Health Director or the local public health administrator may issue an order requiring the person to
37 complete an appropriate prescribed course of medication or other treatment for the communicable
38 disease, including directly observed therapy if appropriate, and to follow infection control provisions
39 for the disease. The order shall also include statements that the person may refuse the medication
40 or other treatment and that the person's failure to comply with the order issued under this sub-
41 section may result in the Public Health Director or the local public health administrator seeking the
42 imposition of a public health measure, including isolation or quarantine as authorized by ORS
43 433.121 and 433.123.

44 (4) The Public Health Director or the local public health administrator must make every effort
45 to obtain voluntary compliance from a person for any testing, medical examination and treatment

1 required under this section.

2 (5) Any action taken by the Public Health Director or the local public health administrator un-
 3 der this section to compel testing, medical examination or treatment of a person who has a
 4 communicable disease, a new or uncommon disease of potential public health significance, or a
 5 condition that is the basis of a state of public health emergency must be the least restrictive alter-
 6 native available to accomplish the results necessary to minimize the transmission of the disease to
 7 others.

8 **SECTION 241.** ORS 433.045, as amended by section 1, chapter 26, Oregon Laws 2012, is
 9 amended to read:

10 433.045. (1) As used in this section:

11 (a) “Health care provider” means an individual licensed by a health [*professional*] regulatory
 12 board[, *as that term is defined in ORS 676.160*].

13 **(b) “Health regulatory board” means the:**

14 **(A) State Board of Examiners for Speech-Language Pathology and Audiology;**

15 **(B) State Board of Chiropractic Examiners;**

16 **(C) State Board of Licensed Social Workers;**

17 **(D) Oregon Board of Licensed Professional Counselors and Therapists;**

18 **(E) Oregon Board of Dentistry;**

19 **(F) Board of Licensed Dietitians;**

20 **(G) State Board of Massage Therapists;**

21 **(H) State Mortuary and Cemetery Board;**

22 **(I) Oregon Board of Naturopathic Medicine;**

23 **(J) Oregon State Board of Nursing;**

24 **(K) Nursing Home Administrators Board;**

25 **(L) Oregon Board of Optometry;**

26 **(M) State Board of Pharmacy;**

27 **(N) Oregon Medical Board;**

28 **(O) Occupational Therapy Licensing Board;**

29 **(P) Physical Therapist Licensing Board;**

30 **(Q) State Board of Psychologist Examiners;**

31 **(R) Board of Medical Imaging;**

32 **(S) Oregon State Veterinary Medical Examining Board; and**

33 **(T) Oregon Health Authority, to the extent that the authority licenses emergency med-
 34 ical services providers.**

35 [(b)] (c) “HIV test” means a test of an individual for the presence of HIV, or for antibodies or
 36 antigens that result from HIV infection, or for any other substance specifically indicating infection
 37 with HIV.

38 [(c)] (d) “Insurance producer” has the meaning given that term in ORS 746.600.

39 [(d)] (e) “Insurance-support organization” has the meaning given that term in ORS 746.600.

40 [(e)] (f) “Insurer” has the meaning given that term in ORS 731.106.

41 (2) Except as provided in ORS 433.017, 433.055 (3) and 433.080, a health care provider or the
 42 provider’s designee shall, before subjecting an individual to an HIV test:

43 (a) Notify the individual being tested; and

44 (b) Allow the individual being tested the opportunity to decline the test.

45 (3) The notification and opportunity to decline testing required under subsection (2) of this sec-

tion may be verbal or in writing, and may be contained in a general medical consent form.

(4)(a) Regardless of the manner of receipt or the source of the information, including information received from the tested individual, a person may not disclose or be compelled to disclose the identity of any individual upon whom an HIV-related test is performed, or the results of such a test in a manner that permits identification of the subject of the test, except as required or permitted by federal law, the law of this state or any rule, including any authority rule considered necessary for public health or health care purposes, or as authorized by the individual whose blood is tested.

(b) This subsection does not apply to an individual acting in a private capacity and not in an employment, occupational or professional capacity.

(5) A person who complies with the requirements of this section is not subject to an action for civil damages.

(6) Whenever an insurer, insurance producer or insurance-support organization asks an applicant for insurance to take an HIV test in connection with an application for insurance, the insurer, insurance producer or insurance-support organization must reveal the use of the test to the applicant and obtain the written consent of the applicant. The consent form must disclose the purpose of the test and the persons to whom the results may be disclosed.

SECTION 242. ORS 433.235 is amended to read:

433.235. As used in ORS 433.235 to 433.284:

(1) “Administrator” means the principal or other person having general control and supervision of a school or children’s facility.

(2) “Children’s facility” or “facility” means:

(a) A certified child care facility as described in ORS 657A.030 and 657A.250 to 657A.450, except as exempted by rule of the Oregon Health Authority;

(b) A program operated by, or sharing the premises with, a certified child care facility, school or post-secondary institution where care is provided to children, six weeks of age to kindergarten entry, except as exempted by rule of the authority; or

(c) A program providing child care or educational services to children, six weeks of age to kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the authority.

(3) “Local health department” means the district or county board of health, public health officer, public health administrator or health department having jurisdiction within the area.

(4) “Parent” means a parent or guardian of a child or any adult responsible for the child.

(5) “Physician” means a physician licensed by the Oregon Medical Board or by the Oregon [Board of] **Health Licensing Agency to practice** naturopathic medicine or a physician similarly licensed by another state or country in which the physician practices or a commissioned medical officer of the Armed Forces or Public Health Service of the United States.

(6) “School” means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the authority.

SECTION 243. ORS 438.220 is amended to read:

438.220. Notwithstanding ORS 438.210, a person is qualified to act as the laboratory director of the clinical laboratory at any accredited chiropractic college in this state for the benefit of chiropractic patients if that person is a chiropractic physician licensed [by the State Board of Chiropractic Examiners,] **under ORS chapter 684** and possesses special qualifications, as determined by the State Board of Chiropractic Examiners, that enable that person to perform as a laboratory

1 director.

2 **SECTION 244.** ORS 441.057 is amended to read:

3 441.057. (1) Rules adopted pursuant to ORS 441.025 shall include procedures for the filing of
4 complaints as to the standard of care in any health care facility and provide for the confidentiality
5 of the identity of any complainant.

6 (2) A health care facility, or person acting in the interest of the facility, may not take any dis-
7 ciplinary or other adverse action against any employee who in good faith brings evidence of inap-
8 propriate care or any other violation of law or rules to the attention of the proper authority solely
9 because of the employee's action as described in this subsection.

10 (3) Any employee who has knowledge of inappropriate care or any other violation of law or
11 rules shall utilize established reporting procedures of the health care facility administration before
12 notifying the Department of Human Services, Oregon Health Authority or other state agency of the
13 alleged violation, unless the employee believes that patient health or safety is in immediate jeopardy
14 or the employee makes the report to the department or the authority under the confidentiality pro-
15 visions of subsection (1) of this section.

16 (4) The protection of health care facility employees under subsection (2) of this section shall
17 commence with the reporting of the alleged violation by the employee to the administration of the
18 health care facility or to the department, authority or other state agency pursuant to subsection (3)
19 of this section.

20 (5) Any person suffering loss or damage due to any violation of subsection (2) of this section has
21 a right of action for damages in addition to other appropriate remedy.

22 (6) The provisions of this section do not apply to a nursing staff, as defined in ORS 441.172, who
23 claims to be aggrieved by a violation of ORS 441.174 committed by a hospital.

24 (7) Information obtained by the department or the authority during an investigation of a com-
25 plaint or reported violation under this section is confidential and not subject to public disclosure
26 under ORS 192.410 to 192.505. Upon the conclusion of the investigation, the department or the au-
27 thority may publicly release a report of the department's or the authority's findings but may not
28 include information in the report that could be used to identify the complainant or any patient at
29 the health care facility. The department or the authority may use any information obtained during
30 an investigation in an administrative or judicial proceeding concerning the licensing of a health care
31 facility, and may report information obtained during an investigation to a health professional regu-
32 latory board, as defined in ORS 676.160, **or the Oregon Health Licensing Agency** as that infor-
33 mation pertains to a licensee of the board **or agency**.

34 **SECTION 245.** ORS 656.005 is amended to read:

35 656.005. (1) "Average weekly wage" means the Oregon average weekly wage in covered em-
36 ployment, as determined by the Employment Department, for the last quarter of the calendar year
37 preceding the fiscal year in which the injury occurred.

38 (2) "Beneficiary" means an injured worker, and the husband, wife, child or dependent of a
39 worker, who is entitled to receive payments under this chapter. "Beneficiary" does not include:

40 (a) A spouse of an injured worker living in a state of abandonment for more than one year at
41 the time of the injury or subsequently. A spouse who has lived separate and apart from the worker
42 for a period of two years and who has not during that time received or attempted by process of law
43 to collect funds for support or maintenance is considered living in a state of abandonment.

44 (b) A person who intentionally causes the compensable injury to or death of an injured worker.

45 (3) "Board" means the Workers' Compensation Board.

1 (4) "Carrier-insured employer" means an employer who provides workers' compensation cover-
2 age with the State Accident Insurance Fund Corporation or an insurer authorized under ORS
3 chapter 731 to transact workers' compensation insurance in this state.

4 (5) "Child" includes a posthumous child, a child legally adopted prior to the injury, a child to-
5 ward whom the worker stands in loco parentis, a child born out of wedlock and a stepchild, if such
6 stepchild was, at the time of the injury, a member of the worker's family and substantially dependent
7 upon the worker for support. A dependent child who is an invalid is a child, for purposes of benefits,
8 regardless of age, so long as the child was an invalid at the time of the accident and thereafter re-
9 mains an invalid substantially dependent on the worker for support. For purposes of this chapter,
10 a dependent child who is an invalid is considered to be a child under 18 years of age.

11 (6) "Claim" means a written request for compensation from a subject worker or someone on the
12 worker's behalf, or any compensable injury of which a subject employer has notice or knowledge.

13 (7)(a) A "compensable injury" is an accidental injury, or accidental injury to prosthetic appli-
14 ances, arising out of and in the course of employment requiring medical services or resulting in
15 disability or death; an injury is accidental if the result is an accident, whether or not due to acci-
16 dental means, if it is established by medical evidence supported by objective findings, subject to the
17 following limitations:

18 (A) No injury or disease is compensable as a consequence of a compensable injury unless the
19 compensable injury is the major contributing cause of the consequential condition.

20 (B) If an otherwise compensable injury combines at any time with a preexisting condition to
21 cause or prolong disability or a need for treatment, the combined condition is compensable only if,
22 so long as and to the extent that the otherwise compensable injury is the major contributing cause
23 of the disability of the combined condition or the major contributing cause of the need for treatment
24 of the combined condition.

25 (b) "Compensable injury" does not include:

26 (A) Injury to any active participant in assaults or combats which are not connected to the job
27 assignment and which amount to a deviation from customary duties;

28 (B) Injury incurred while engaging in or performing, or as the result of engaging in or per-
29 forming, any recreational or social activities primarily for the worker's personal pleasure; or

30 (C) Injury the major contributing cause of which is demonstrated to be by a preponderance of
31 the evidence the injured worker's consumption of alcoholic beverages or the unlawful consumption
32 of any controlled substance, unless the employer permitted, encouraged or had actual knowledge of
33 such consumption.

34 (c) A "disabling compensable injury" is an injury which entitles the worker to compensation for
35 disability or death. An injury is not disabling if no temporary benefits are due and payable, unless
36 there is a reasonable expectation that permanent disability will result from the injury.

37 (d) A "nondisabling compensable injury" is any injury which requires medical services only.

38 (8) "Compensation" includes all benefits, including medical services, provided for a compensable
39 injury to a subject worker or the worker's beneficiaries by an insurer or self-insured employer pur-
40 suant to this chapter.

41 (9) "Department" means the Department of Consumer and Business Services.

42 (10) "Dependent" means any of the following-named relatives of a worker whose death results
43 from any injury: Father, mother, grandfather, grandmother, stepfather, stepmother, grandson,
44 granddaughter, brother, sister, half sister, half brother, niece or nephew, who at the time of the
45 accident, are dependent in whole or in part for their support upon the earnings of the worker.

1 Unless otherwise provided by treaty, aliens not residing within the United States at the time of the
2 accident other than father, mother, husband, wife or children are not included within the term “de-
3 pendent.”

4 (11) “Director” means the Director of the Department of Consumer and Business Services.

5 (12)(a) “Doctor” or “physician” means a person duly licensed to practice one or more of the
6 healing arts in any country or in any state, territory or possession of the United States within the
7 limits of the license of the licentiate.

8 (b) Except as otherwise provided for workers subject to a managed care contract, “attending
9 physician” means a doctor, physician or physician assistant who is primarily responsible for the
10 treatment of a worker’s compensable injury and who is:

11 (A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by the
12 Oregon Medical Board, or a podiatric physician and surgeon licensed under ORS 677.805 to 677.840
13 by the Oregon Medical Board, an oral and maxillofacial surgeon licensed by the Oregon Board of
14 Dentistry or a similarly licensed doctor in any country or in any state, territory or possession of the
15 United States; or

16 (B) For a cumulative total of 60 days from the first visit on the initial claim or for a cumulative
17 total of 18 visits, whichever occurs first, to any of the medical service providers listed in this sub-
18 paragraph, a:

19 (i) Doctor or physician licensed [*by the State Board of Chiropractic Examiners for the State of*
20 *Oregon*] **to practice chiropractic** under ORS chapter 684 or a similarly licensed doctor or physician
21 in any country or in any state, territory or possession of the United States;

22 (ii) Physician assistant licensed by the Oregon Medical Board in accordance with ORS 677.505
23 to 677.525 or a similarly licensed physician assistant in any country or in any state, territory or
24 possession of the United States; or

25 (iii) Doctor of naturopathy or naturopathic physician licensed [*by the Oregon Board of*
26 *Naturopathic Medicine*] under ORS chapter 685 or a similarly licensed doctor or physician in any
27 country or in any state, territory or possession of the United States.

28 (c) Except as otherwise provided for workers subject to a managed care contract, “attending
29 physician” does not include a physician who provides care in a hospital emergency room and refers
30 the injured worker to a primary care physician for follow-up care and treatment.

31 (d) “Consulting physician” means a doctor or physician who examines a worker or the worker’s
32 medical record to advise the attending physician or nurse practitioner authorized to provide
33 compensable medical services under ORS 656.245 regarding treatment of a worker’s compensable
34 injury.

35 (13)(a) “Employer” means any person, including receiver, administrator, executor or trustee, and
36 the state, state agencies, counties, municipal corporations, school districts and other public corpo-
37 rations or political subdivisions, who contracts to pay a remuneration for and secures the right to
38 direct and control the services of any person.

39 (b) Notwithstanding paragraph (a) of this subsection, for purposes of this chapter, the client of
40 a temporary service provider is not the employer of temporary workers provided by the temporary
41 service provider.

42 (c) As used in paragraph (b) of this subsection, “temporary service provider” has the meaning
43 for that term provided in ORS 656.850.

44 (14) “Insurer” means the State Accident Insurance Fund Corporation or an insurer authorized
45 under ORS chapter 731 to transact workers’ compensation insurance in this state or an assigned

1 claims agent selected by the director under ORS 656.054.

2 (15) "Consumer and Business Services Fund" means the fund created by ORS 705.145.

3 (16) "Invalid" means one who is physically or mentally incapacitated from earning a livelihood.

4 (17) "Medically stationary" means that no further material improvement would reasonably be
5 expected from medical treatment, or the passage of time.

6 (18) "Noncomplying employer" means a subject employer who has failed to comply with ORS
7 656.017.

8 (19) "Objective findings" in support of medical evidence are verifiable indications of injury or
9 disease that may include, but are not limited to, range of motion, atrophy, muscle strength and
10 palpable muscle spasm. "Objective findings" does not include physical findings or subjective re-
11 sponses to physical examinations that are not reproducible, measurable or observable.

12 (20) "Palliative care" means medical service rendered to reduce or moderate temporarily the
13 intensity of an otherwise stable medical condition, but does not include those medical services ren-
14 dered to diagnose, heal or permanently alleviate or eliminate a medical condition.

15 (21) "Party" means a claimant for compensation, the employer of the injured worker at the time
16 of injury and the insurer, if any, of such employer.

17 (22) "Payroll" means a record of wages payable to workers for their services and includes
18 commissions, value of exchange labor and the reasonable value of board, rent, housing, lodging or
19 similar advantage received from the employer. However, "payroll" does not include overtime pay,
20 vacation pay, bonus pay, tips, amounts payable under profit-sharing agreements or bonus payments
21 to reward workers for safe working practices. Bonus pay is limited to payments which are not an-
22 ticipated under the contract of employment and which are paid at the sole discretion of the em-
23 ployer. The exclusion from payroll of bonus payments to reward workers for safe working practices
24 is only for the purpose of calculations based on payroll to determine premium for workers' com-
25 pensation insurance, and does not affect any other calculation or determination based on payroll for
26 the purposes of this chapter.

27 (23) "Person" includes partnership, joint venture, association, limited liability company and
28 corporation.

29 (24)(a) "Preexisting condition" means, for all industrial injury claims, any injury, disease, con-
30 genital abnormality, personality disorder or similar condition that contributes to disability or need
31 for treatment, provided that:

32 (A) Except for claims in which a preexisting condition is arthritis or an arthritic condition, the
33 worker has been diagnosed with such condition, or has obtained medical services for the symptoms
34 of the condition regardless of diagnosis; and

35 (B)(i) In claims for an initial injury or omitted condition, the diagnosis or treatment precedes
36 the initial injury;

37 (ii) In claims for a new medical condition, the diagnosis or treatment precedes the onset of the
38 new medical condition; or

39 (iii) In claims for a worsening pursuant to ORS 656.273 or 656.278, the diagnosis or treatment
40 precedes the onset of the worsened condition.

41 (b) "Preexisting condition" means, for all occupational disease claims, any injury, disease, con-
42 genital abnormality, personality disorder or similar condition that contributes to disability or need
43 for treatment and that precedes the onset of the claimed occupational disease, or precedes a claim
44 for worsening in such claims pursuant to ORS 656.273 or 656.278.

45 (c) For the purposes of industrial injury claims, a condition does not contribute to disability or

1 need for treatment if the condition merely renders the worker more susceptible to the injury.

2 (25) "Self-insured employer" means an employer or group of employers certified under ORS
3 656.430 as meeting the qualifications set out by ORS 656.407.

4 (26) "State Accident Insurance Fund Corporation" and "corporation" mean the State Accident
5 Insurance Fund Corporation created under ORS 656.752.

6 (27) "Subject employer" means an employer who is subject to this chapter as provided by ORS
7 656.023.

8 (28) "Subject worker" means a worker who is subject to this chapter as provided by ORS
9 656.027.

10 (29) "Wages" means the money rate at which the service rendered is recompensed under the
11 contract of hiring in force at the time of the accident, including reasonable value of board, rent,
12 housing, lodging or similar advantage received from the employer, and includes the amount of tips
13 required to be reported by the employer pursuant to section 6053 of the Internal Revenue Code of
14 1954, as amended, and the regulations promulgated pursuant thereto, or the amount of actual tips
15 reported, whichever amount is greater. The State Accident Insurance Fund Corporation may estab-
16 lish assumed minimum and maximum wages, in conformity with recognized insurance principles, at
17 which any worker shall be carried upon the payroll of the employer for the purpose of determining
18 the premium of the employer.

19 (30) "Worker" means any person, including a minor whether lawfully or unlawfully employed,
20 who engages to furnish services for a remuneration, subject to the direction and control of an em-
21 ployer and includes salaried, elected and appointed officials of the state, state agencies, counties,
22 cities, school districts and other public corporations, but does not include any person whose services
23 are performed as an inmate or ward of a state institution or as part of the eligibility requirements
24 for a general or public assistance grant. For the purpose of determining entitlement to temporary
25 disability benefits or permanent total disability benefits under this chapter, "worker" does not in-
26 clude a person who has withdrawn from the workforce during the period for which such benefits are
27 sought.

28 (31) "Independent contractor" has the meaning for that term provided in ORS 670.600.

29 **SECTION 246.** ORS 656.799 is amended to read:

30 656.799. (1) The Director of the Department of Consumer and Business Services shall develop
31 and make available to medical service providers informational materials about the workers' com-
32 pensation system including, but not limited to, the management of indemnity claims, standards for
33 the authorization of temporary disability benefits, return to work responsibilities and programs, and
34 workers' compensation rules and procedures for medical service providers.

35 (2) Prior to providing compensable medical services or authorizing temporary disability benefits
36 under ORS 656.245, a medical service provider must certify, in a form acceptable to the director,
37 that the medical service provider has reviewed the materials developed under this section.

38 (3) As used in this section, "medical service provider" means a:

39 (a) Doctor or physician licensed [*by the State Board of Chiropractic Examiners for the State of*
40 *Oregon*] **to practice chiropractic** under ORS chapter 684 or a similarly licensed doctor or physician
41 in any country or in any state, territory or possession of the United States;

42 (b) Physician assistant licensed by the Oregon Medical Board in accordance with ORS 677.505
43 to 677.525 or a similarly licensed physician assistant in any country or in any state, territory or
44 possession of the United States; or

45 (c) Doctor of naturopathy or naturopathic physician licensed [*by the Oregon Board of*

1 *Naturopathic Medicine*] under ORS chapter 685 or a similarly licensed doctor or physician in any
 2 country or in any state, territory or possession of the United States.

3 **SECTION 247. As used in ORS 676.110, 676.120 and 676.130, “health professional regulatory**
 4 **board” means the:**

- 5 (1) **State Board of Examiners for Speech-Language Pathology and Audiology;**
- 6 (2) **State Board of Chiropractic Examiners;**
- 7 (3) **State Board of Licensed Social Workers;**
- 8 (4) **Oregon Board of Licensed Professional Counselors and Therapists;**
- 9 (5) **Oregon Board of Dentistry;**
- 10 (6) **Board of Licensed Dietitians;**
- 11 (7) **State Board of Massage Therapists;**
- 12 (8) **State Mortuary and Cemetery Board;**
- 13 (9) **Oregon Board of Naturopathic Medicine;**
- 14 (10) **Oregon State Board of Nursing;**
- 15 (11) **Nursing Home Administrators Board;**
- 16 (12) **Oregon Board of Optometry;**
- 17 (13) **State Board of Pharmacy;**
- 18 (14) **Oregon Medical Board;**
- 19 (15) **Occupational Therapy Licensing Board;**
- 20 (16) **Physical Therapist Licensing Board;**
- 21 (17) **State Board of Psychologist Examiners;**
- 22 (18) **Board of Medical Imaging;**
- 23 (19) **Oregon State Veterinary Medical Examining Board; and**
- 24 (20) **Oregon Health Authority, to the extent that the authority licenses emergency med-**
 25 **ical services providers.**

26 **SECTION 248.** ORS 676.110 is amended to read:

27 676.110. (1) An individual practicing a health care profession may not use the title “doctor” in
 28 connection with the profession, unless the individual:

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

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

33 (B) Is working under a board-approved residency contract and is practicing under the license
 34 of a supervisor who is licensed by a health professional regulatory board [*as defined in ORS*
 35 *676.160*] to practice the particular health care profession in which the individual’s doctoral degree
 36 was earned.

37 (2) If an individual uses the title “doctor” in connection with a health care profession at any
 38 time, the individual must designate the health care profession in which the individual’s doctoral
 39 degree was earned on all written or printed matter, advertising, billboards, signs or professional
 40 notices used in connection with the health care profession, regardless of whether the individual’s
 41 name or the title “doctor” appears on the written or printed matter, advertising, billboard, sign or
 42 professional notice. The designation must be in letters or print at least one-fourth the size of the
 43 largest letters used on the written or printed matter, advertising, billboard, sign or professional
 44 notice, and in material, color, type or illumination to give display and legibility of at least one-fourth
 45 that of the largest letters used on the written or printed matter, advertising, billboard, sign or pro-

1 fessional notice.

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

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

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

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

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

11 **SECTION 249.** ORS 676.120 is amended to read:

12 676.120. Notwithstanding ORS 676.110, upon the death of any person duly licensed by a health
13 professional regulatory board [*as defined in ORS 676.160*], the executors of the estate or the heirs,
14 assigns, associates or partners may retain the use of the decedent’s name, where it appears other
15 than as a part of an assumed name, for no more than one year after the death of such person or
16 until the estate is settled, whichever is sooner.

17 **SECTION 250.** ORS 676.130 is amended to read:

18 676.130. Each health professional regulatory board [*as defined in ORS 676.160*] shall notify the
19 appropriate district attorney of any violation of ORS 676.110 and 676.120 which may be brought to
20 the attention of such board. The district attorney of the county in which any violation of those
21 sections takes place shall prosecute the violation upon being informed of the violation by any person
22 or by one of such boards.

23 **SECTION 251.** ORS 676.150 is amended to read:

24 676.150. (1) As used in this section:

25 (a) “Board” means the:

26 (A) State Board of Examiners for Speech-Language Pathology and Audiology;

27 (B) State Board of Chiropractic Examiners;

28 (C) State Board of Licensed Social Workers;

29 (D) Oregon Board of Licensed Professional Counselors and Therapists;

30 (E) Oregon Board of Dentistry;

31 (F) Board of Licensed Dietitians;

32 (G) State Board of Massage Therapists;

33 (H) Oregon Board of Naturopathic Medicine;

34 (I) Oregon State Board of Nursing;

35 (J) Nursing Home Administrators Board;

36 (K) Oregon Board of Optometry;

37 (L) State Board of Pharmacy;

38 (M) Oregon Medical Board;

39 (N) Occupational Therapy Licensing Board;

40 (O) Physical Therapist Licensing Board;

41 (P) State Board of Psychologist Examiners;

42 (Q) Board of Medical Imaging;

43 (R) State Board of Direct Entry Midwifery;

44 (S) State Board of Denture Technology;

45 (T) Respiratory Therapist and Polysomnographic Technologist Licensing Board;

1 (U) Oregon Health Authority, to the extent that the authority licenses emergency medical ser-
2 vices providers;

3 (V) Oregon State Veterinary Medical Examining Board; or

4 (W) State Mortuary and Cemetery Board.

5 (b) "Licensee" means a health professional licensed or certified by or registered with a board.

6 (c) "Prohibited conduct" means conduct by a licensee that:

7 (A) Constitutes a criminal act against a patient or client; or

8 (B) Constitutes a criminal act that creates a risk of harm to a patient or client.

9 (d) "Unprofessional conduct" means conduct unbecoming a licensee or detrimental to the best
10 interests of the public, including conduct contrary to recognized standards of ethics of the licensee's
11 profession or conduct that endangers the health, safety or welfare of a patient or client.

12 (2) Unless state or federal laws relating to confidentiality or the protection of health information
13 prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has en-
14 gaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for
15 the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the
16 conduct without undue delay, but in no event later than 10 working days after the reporting licensee
17 learns of the conduct.

18 (3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime
19 shall report the conviction or arrest to the licensee's board within 10 days after the conviction or
20 arrest.

21 (4) The board responsible for a licensee who is reported to have engaged in prohibited or un-
22 professional conduct shall investigate in accordance with the board's rules **or, if the board is un-**
23 **der the oversight of the Oregon Health Licensing Agency, shall report the prohibited or**
24 **unprofessional conduct to the Oregon Health Licensing Agency.** If the board **or Oregon Health**
25 **Licensing Agency** has reasonable cause to believe that the licensee has engaged in prohibited
26 conduct, the board **or Oregon Health Licensing Agency** shall present the facts to an appropriate
27 law enforcement agency without undue delay, but in no event later than 10 working days after the
28 board **or Oregon Health Licensing Agency** finds reasonable cause to believe that the licensee
29 engaged in prohibited conduct.

30 (5) A licensee who fails to report prohibited or unprofessional conduct as required by subsection
31 (2) of this section or the licensee's conviction or arrest as required by subsection (3) of this section
32 is subject to discipline by the board **or Oregon Health Licensing Agency** responsible for the
33 licensee.

34 (6) A licensee who fails to report prohibited conduct as required by subsection (2) of this section
35 commits a Class A violation.

36 (7) Notwithstanding any other provision of law, a report under subsection (2) or (3) of this sec-
37 tion is confidential under ORS 676.175 **or, if the board is under the oversight of the Oregon**
38 **Health Licensing Agency, section 8 of this 2013 Act.** A board may disclose a report as provided
39 in ORS 676.177 **or, if the board is under the oversight of the Oregon Health Licensing Agency,**
40 **section 9 of this 2013 Act.**

41 (8) Except as part of an application for a license or for renewal of a license and except as pro-
42 vided in subsection (3) of this section, a board may not require a licensee to report the licensee's
43 criminal conduct.

44 (9) The obligations imposed by this section are in addition to and not in lieu of other obligations
45 to report unprofessional conduct as provided by statute.

1 (10) A licensee who reports to a board in good faith as required by subsection (2) of this section
 2 is immune from civil liability for making the report.

3 (11) A board *[and]*, the members, employees and contractors of the board, **the Oregon Health**
 4 **Licensing Agency and the employees and contractors of the agency** are immune from civil li-
 5 ability for actions taken in good faith as a result of a report received under subsection (2) or (3) of
 6 this section.

7 **SECTION 252.** ORS 676.160 is amended to read:

8 676.160. As used in ORS 676.165 to 676.180, “health professional regulatory board” means the:

9 [(1) *State Board of Examiners for Speech-Language Pathology and Audiology;*]

10 [(2) *State Board of Chiropractic Examiners;*]

11 [(3) *State Board of Licensed Social Workers;*]

12 [(4) *Oregon Board of Licensed Professional Counselors and Therapists;*]

13 [(5)] (1) Oregon Board of Dentistry;

14 [(6) *Board of Licensed Dietitians;*]

15 [(7)] (2) State Board of Massage Therapists;

16 [(8) *State Mortuary and Cemetery Board;*]

17 [(9) *Oregon Board of Naturopathic Medicine;*]

18 [(10)] (3) Oregon State Board of Nursing;

19 [(11) *Nursing Home Administrators Board;*]

20 [(12)] (4) Oregon Board of Optometry;

21 [(13)] (5) State Board of Pharmacy;

22 [(14)] (6) Oregon Medical Board;

23 [(15) *Occupational Therapy Licensing Board;*]

24 [(16)] (7) Physical Therapist Licensing Board;

25 [(17) *State Board of Psychologist Examiners;*]

26 [(18) *Board of Medical Imaging;*]

27 [(19)] (8) Oregon State Veterinary Medical Examining Board; and

28 [(20)] (9) Oregon Health Authority, to the extent that the authority licenses emergency medical
 29 services providers.

30 **SECTION 252a.** ORS 676.306 is amended to read:

31 676.306. (1) As used in this section, “health professional regulatory board” means a health pro-
 32 fessional regulatory board *[described in ORS 676.160]* **as defined in section 247 of this 2013 Act**
 33 other than the Oregon Health Authority with regard to the licensure of emergency medical services
 34 providers.

35 (2) Subject to applicable provisions of the State Personnel Relations Law and the approval of
 36 the Governor, notwithstanding ORS 182.468, each health professional regulatory board shall appoint
 37 an executive director and prescribe the duties and fix the compensation of the executive director.
 38 The executive director shall serve at the pleasure of the Governor under the direct supervision of
 39 the appointing board. The board may request that the Governor remove the executive director.

40 (3) In addition to any other duties imposed by law or otherwise required of state agencies, the
 41 executive director shall keep all records of the board and discharge all duties prescribed by the
 42 board.

43 (4) The executive director shall prepare periodic reports regarding the licensing, monitoring and
 44 investigative activities of the board. The executive director shall submit the reports to the board
 45 and the Governor. The Oregon Department of Administrative Services, in consultation with the

1 board, shall adopt rules specifying requirements for the report content and processes for preparing
2 and submitting the reports. The rules may be consistent with performance management measures
3 and processes initiated by the department. The rules shall require each board to undergo a peer
4 review of board activities by a team of executive directors of other health professional regulatory
5 boards and at least one public member. The department may assess the board for the cost of the
6 peer review.

7 **SECTION 253.** ORS 676.350 is amended to read:

8 676.350. (1) As used in this section:

9 (a) "Expedited partner therapy" means the practice of prescribing or dispensing antibiotic drugs
10 for the treatment of a sexually transmitted disease to the partner of a patient without first exam-
11 ining the partner of the patient.

12 (b) "Partner of a patient" means a person whom a patient diagnosed with a sexually transmitted
13 disease identifies as a sexual partner of the patient.

14 (c) "Practitioner" has the meaning given that term in ORS 475.005.

15 (2) A health professional regulatory board, as defined in [ORS 676.160] **section 247 of this 2013**
16 **Act**, may adopt rules permitting practitioners to practice expedited partner therapy. If a board
17 adopts rules permitting practitioners to practice expedited partner therapy, the board shall consult
18 with the Oregon Health Authority to determine which sexually transmitted diseases are appropri-
19 ately addressed with expedited partner therapy.

20 (3) A prescription issued in the practice of expedited partner therapy authorized by the rules
21 of a board is valid even if the name of the patient for whom the prescription is intended is not on
22 the prescription.

23 (4) The authority shall make available informational material about expedited partner therapy
24 that a practitioner may distribute to patients.

25 **SECTION 254.** ORS 676.400 is amended to read:

26 676.400. (1) It is the intention of the Legislative Assembly to achieve the goal of universal access
27 to adequate levels of high quality health care at an affordable cost for all Oregonians, regardless
28 of ethnic or cultural background.

29 (2) The Legislative Assembly finds that:

30 (a) Access to health care is of value when it leads to treatment that substantially improves
31 health outcomes;

32 (b) Health care is most effective when it accounts for the contribution of culture to health status
33 and health outcomes;

34 (c) Ethnic and racial minorities experience more than their statistically fair share of undesirable
35 health outcomes;

36 (d) The lack of licensed health care professionals from ethnic and racial minorities or who are
37 bilingual contributes to the inadequacy of health outcomes in communities of color in this state; and

38 (e) The development of a partnership between health professional regulatory boards and com-
39 munities of color to increase the representation of people of color and bilingual people in health
40 care professions has significant potential to improve the health outcomes of people of color and bi-
41 lingual citizens of this state.

42 (3) Health professional regulatory boards shall establish programs to increase the representation
43 of people of color and bilingual people on the boards and in the professions that they regulate. Such
44 programs must include activities to promote the education, recruitment and professional practice
45 of members of these targeted populations in Oregon.

1 (4) Each health professional regulatory board shall maintain records of the racial and ethnic
 2 makeup of applicants and professionals regulated by the board. Such information shall be requested
 3 from applicants and the professionals regulated who shall be informed in writing that the provision
 4 of such information is voluntary and not required.

5 (5) Each health professional regulatory board shall report biennially to the Legislative Assembly
 6 in the manner required by ORS 192.245. The report shall contain:

7 (a) Data detailing the efforts of the board to comply with the requirements of subsection (3) of
 8 this section; and

9 (b) Data collected under subsection (4) of this section documenting the ethnic and racial makeup
 10 of the applicants and of the professionals regulated by the board.

11 (6) For purposes of this section, "health professional regulatory board" has the meaning given
 12 that term in [ORS 676.160] **section 247 of this 2013 Act.**

13 **SECTION 255.** ORS 676.410 is amended to read:

14 676.410. (1) As used in this section, "healthcare workforce regulatory board" means the:

15 (a) **Oregon Health Licensing Agency, to the extent that the agency has oversight over the**
 16 **Occupational Therapy Licensing Board and Board of Licensed Dietitians;**

17 (b) Oregon Medical Board;

18 (c) Oregon State Board of Nursing;

19 (d) Oregon Board of Dentistry;

20 (e) Physical Therapist Licensing Board; **and**

21 (f) State Board of Pharmacy[; *and*].

22 [*g*] *Board of Licensed Dietitians.*]

23 (2)(a) An applicant for a license from a healthcare workforce regulatory board or renewal of a
 24 license by a healthcare workforce regulatory board shall provide the information prescribed by the
 25 Office for Oregon Health Policy and Research pursuant to subsection (3) of this section.

26 (b) Except as provided in subsection (4) of this section, a healthcare workforce regulatory board
 27 may not approve a subsequent application for a license or renewal of a license until the applicant
 28 provides the information.

29 (3) The Administrator for the Office for Oregon Health Policy and Research shall collaborate
 30 with the healthcare workforce regulatory boards to adopt rules for the manner, form and content
 31 for reporting, and the information that must be provided to a healthcare workforce regulatory board
 32 under subsection (2) of this section, which may include:

33 (a) Demographics, including race and ethnicity.

34 (b) Education information.

35 (c) License information.

36 (d) Employment information.

37 (e) Primary and secondary practice information.

38 (f) Anticipated changes in the practice.

39 (g) Languages spoken.

40 (4)(a) A healthcare workforce regulatory board shall report healthcare workforce information
 41 collected under subsection (2) of this section to the Office for Oregon Health Policy and Research.

42 (b) A healthcare workforce regulatory board shall keep confidential and not release personally
 43 identifiable data collected under this section for a person licensed, registered or certified by a board.
 44 This paragraph does not apply to the release of information to a law enforcement agency for in-
 45 vestigative purposes or to the release to the Office for Oregon Health Policy and Research for state

1 health planning purposes.

2 (5) The requirements of subsection (2) of this section apply to an applicant for issuance or re-
 3 newal of a license who is or who is applying to become:

4 (a) An occupational therapist or certified occupational therapy assistant as defined in ORS
 5 675.210;

6 (b) A physician as defined in ORS 677.010;

7 (c) A physician assistant as defined in ORS 677.495;

8 (d) A nurse or nursing assistant licensed or certified under ORS 678.010 to 678.410;

9 (e) A dentist or dental hygienist as defined in ORS 679.010;

10 (f) A physical therapist or physical therapist assistant as defined in ORS 688.010;

11 (g) A pharmacist or pharmacy technician as defined in ORS 689.005; or

12 (h) A licensed dietitian, as defined in ORS 691.405.

13 (6) A healthcare workforce regulatory board may adopt rules as necessary to perform the
 14 board's duties under this section.

15 (7) In addition to licensing fees that may be imposed by a healthcare workforce regulatory
 16 board, the Oregon Health Policy Board shall establish fees to be paid by applicants for issuance or
 17 renewal of licenses reasonably calculated to reimburse the actual cost of obtaining or reporting in-
 18 formation as required by subsection (2) of this section.

19 **SECTION 256.** ORS 677.060 is amended to read:

20 677.060. This chapter does not affect or prevent the following:

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

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

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

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

34 (5) The domestic administration of family remedies.

35 (6) The practice of dentistry, pharmacy, nursing, optometry, psychology, regulated social work,
 36 chiropractic, naturopathic medicine or cosmetic therapy, by any person authorized by this state.

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

42 (8) The sale of lenses, artificial eyes, limbs or surgical instruments or other apparatus or appli-
 43 ances of a similar character.

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

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

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

8 (12) The use of the title “doctor,” “chiropractic physician,” “naturopathic physician,” “doctor
 9 of optometry,” “optometric physician” or “podiatric physician” in accordance with ORS 676.110 and
 10 676.120.

11 **SECTION 256a.** ORS 681.230 is amended to read:

12 681.230. (1) Without obtaining a license under this chapter, a person may use any procedure
 13 included in the practice of speech-language pathology or audiology if the procedure is within the
 14 scope of practice of the person and the person is:

15 (a) Licensed by a health professional regulatory board as defined in [ORS 676.160] **section 247**
 16 **of this 2013 Act;**

17 (b) Performing basic audiometric testing under the supervision of a physician licensed under
 18 ORS chapter 677 and representing that the person is a medical assistant or audiology assistant;

19 (c) A teacher licensed by the Teacher Standards and Practices Commission and holding a hear-
 20 ing impaired endorsement; or

21 (d) A student participating in supervised field work or supervised course work in speech-
 22 language pathology or audiology as part of a college or university program approved by the State
 23 Board of Examiners for Speech-Language Pathology and Audiology or an undergraduate course in
 24 speech-language pathology approved by the board.

25 (2) A person practicing speech-language pathology or audiology without a license under sub-
 26 section (1) of this section may not represent or imply that the person is a speech-language
 27 pathologist, speech-language pathology assistant or audiologist.

28 (3) A person practicing speech-language pathology or audiology without a license under sub-
 29 section (1)(d) of this section:

30 (a) Must use a title that indicates that the person is a student trainee.

31 (b) May not be paid for speech-language pathology or audiology services provided by the person,
 32 except that the person may be provided a reasonable educational stipend.

33 (4) Without obtaining a license under this chapter, a teacher licensed by the Teacher Standards
 34 and Practices Commission and holding a communications disorders or speech impaired endorsement
 35 issued by the commission may practice speech-language pathology if the person:

36 (a) Practices speech-language pathology solely in the course and scope of the person’s duties as
 37 an employee of an education service district, a school district or a charter school; and

38 (b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when
 39 supervising speech-language pathology assistants.

40 (5) Without obtaining a license under this chapter, a person may:

41 (a) Consult with or disseminate the person’s research findings and scientific information to ac-
 42 credited academic institutions or governmental agencies; and

43 (b) Offer lectures to the public for a fee, monetary or otherwise.

44 **SECTION 256b.** ORS 681.330 is amended to read:

45 681.330. The rules and regulations of ethical standards of practice adopted pursuant to ORS

1 681.420 [(5)] (1)(c) shall govern the conduct of all persons who hold a license or conditional license
 2 to practice speech-language pathology or audiology or a certificate to perform the duties of a
 3 speech-language pathology assistant.

4 **SECTION 257.** ORS 685.030 is amended to read:

5 685.030. (1) This chapter does not apply to any:

6 (a) Physician licensed by the Oregon Medical Board to practice medicine, osteopathy or
 7 podiatry;

8 (b) Chiropractor licensed [*by the State Board of Chiropractic Examiners*] **to practice**
 9 **chiropractic under ORS chapter 684**; or

10 (c) Christian Scientist or other person who by religious or spiritual means endeavors to prevent
 11 or cure disease or suffering in accord with the tenets of any church.

12 (2) This chapter does not authorize licensees to:

13 (a) Practice optometry or administer chiropractic adjustments;

14 (b) Practice any system or method of treatment not authorized in this chapter; or

15 (c) Do major surgery.

16 (3) A licensee under this chapter may perform health maintenance and restoration measures
 17 consistent with generally recognized and accepted principles of naturopathic medicine, including but
 18 not limited to:

19 (a) Administering, dispensing or writing prescriptions for drugs;

20 (b) Recommending the use of specific and appropriate over-the-counter pharmaceuticals;

21 (c) Administering anesthetics or antiseptics in connection with minor surgery as defined in ORS
 22 685.010;

23 (d) Ordering diagnostic tests;

24 (e) Using radiopaque substances administered by mouth or rectum necessary for Roentgen di-
 25 agnostic purposes; or

26 (f) Administering substances by penetration of the skin or mucous membrane of the human body
 27 for diagnostic, preventive or therapeutic purposes. The Oregon Board of Naturopathic Medicine may
 28 adopt by rule appropriate procedures for administering substances under this paragraph.

29 **SECTION 258.** ORS 688.125 is amended to read:

30 688.125. In order to ensure that physical therapy treatment of a patient is based solely on the
 31 needs of a patient, any health care practitioner licensed by a health professional regulatory board
 32 as defined in [*ORS 676.160*] **section 247 of this 2013 Act** who owns, in part or in whole, a physical
 33 therapy practice, or who employs a physical therapist, shall communicate the facts of that ownership
 34 or employment relationship to patients for whom physical therapy is prescribed and inform the pa-
 35 tient that alternative sources of physical therapy treatment are available.

36 **SECTION 259.** ORS 690.025 is amended to read:

37 690.025. ORS 690.005 to 690.235 do not apply to:

38 (1) Persons who perform service without compensation in case of emergency or in domestic ad-
 39 ministration.

40 (2) Persons licensed by a health professional regulatory board listed in [*ORS 676.160*] **section**
 41 **247 of this 2013 Act** who are acting within the scope of their professional license.

42 (3) Persons identified by the Oregon Health Licensing Agency or Board of Cosmetology by rule
 43 who are acting under the authority of a hospital or long term care facility licensed under ORS
 44 441.025 or a residential facility licensed under ORS 443.415.

45 (4) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.

1 (5) Persons licensed by the State Board of Pharmacy, merchants or other individuals when
 2 demonstrating apparatus or supplies for purposes of sale.

3 (6) Commissioned medical and surgical officers and personnel of the United States Armed Ser-
 4 vices while operating on a military base and personnel of correctional institutions while operating
 5 on the premises of a correctional facility.

6 (7) Persons applying temporary makeup, combing hair or applying hair spray, without compen-
 7 sation specifically for the application or combing, for the sole purpose of preparing any individual
 8 for a professional photograph or theatrical performance.

9 (8) A student while engaged in training at the direction of and under the direct supervision of
 10 the faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice.

11 (9) The agency may exempt practitioners providing services at charitable or fund raising events.
 12 In establishing an exemption, the agency shall consider and evaluate each written request on an
 13 individual basis.

14 **SECTION 260.** ORS 743.918 is amended to read:

15 743.918. (1) As used in this section:

16 (a) "Complete application" means a provider's application to a health insurer to become a cre-
 17 dentialied provider that includes:

18 (A) Information required by the health insurer;

19 (B) Proof that the provider is licensed by a health professional regulatory board as defined in
 20 ORS 676.160 **or, where appropriate, the Oregon Health Licensing Agency;**

21 (C) Proof of current registration with the Drug Enforcement Administration of the United States
 22 Department of Justice, if applicable to the provider's practice; and

23 (D) Proof that the provider is covered by a professional liability insurance policy or certification
 24 meeting the health insurer's requirements.

25 (b) "Credentialing period" means the period beginning on the date a health insurer receives a
 26 complete application and ending on the date the health insurer approves or rejects the complete
 27 application or 90 days after the health insurer receives the complete application, whichever is ear-
 28 lier.

29 (c) "Health insurer" means an insurer that offers managed health insurance or preferred pro-
 30 vider organization insurance, other than a health maintenance organization as defined in ORS
 31 750.005.

32 (2) A health insurer shall approve or reject a complete application within 90 days of receiving
 33 the application.

34 (3)(a) A health insurer shall pay all claims for medical services covered by the health insurer
 35 that are provided by a provider during the credentialing period.

36 (b) A provider may submit claims for medical services provided during the credentialing period
 37 during or after the credentialing period.

38 (c) A health insurer may pay claims for medical services provided during the credentialing pe-
 39 riod:

40 (A) During or after the credentialing period.

41 (B) At the rate paid to nonparticipating providers.

42 (d) If a provider submits a claim for medical services provided during the credentialing period
 43 within six months after the end of the credentialing period, the health insurer may not deny payment
 44 of the claim on the basis of the health insurer's rules relating to timely claims submission.

45 (4) Subsection (3) of this section does not require a health insurer to pay claims for medical

1 services provided during the credentialing period if:

2 (a) The provider was previously rejected or terminated as a participating provider in any health
3 benefit plan underwritten or administered by the health insurer;

4 (b) The rejection or termination was due to the objectively verifiable failure of the provider to
5 provide medical services within the recognized standards of the provider's profession; and

6 (c) The provider was given the opportunity to contest the rejection or termination before a panel
7 of peers in a proceeding conducted in conformity with the Health Care Quality Improvement Act
8 of 1986, 42 U.S.C. 11101 et seq.

9 **SECTION 261.** ORS 743A.168 is amended to read:

10 743A.168. A group health insurance policy providing coverage for hospital or medical expenses
11 shall provide coverage for expenses arising from treatment for chemical dependency, including
12 alcoholism, and for mental or nervous conditions at the same level as, and subject to limitations no
13 more restrictive than, those imposed on coverage or reimbursement of expenses arising from treat-
14 ment for other medical conditions. The following apply to coverage for chemical dependency and for
15 mental or nervous conditions:

16 (1) As used in this section:

17 (a) "Chemical dependency" means the addictive relationship with any drug or alcohol charac-
18 terized by a physical or psychological relationship, or both, that interferes on a recurring basis with
19 the individual's social, psychological or physical adjustment to common problems. For purposes of
20 this section, "chemical dependency" does not include addiction to, or dependency on, tobacco, to-
21 bacco products or foods.

22 (b) "Facility" means a corporate or governmental entity or other provider of services for the
23 treatment of chemical dependency or for the treatment of mental or nervous conditions.

24 (c) "Group health insurer" means an insurer, a health maintenance organization or a health care
25 service contractor.

26 (d) "Program" means a particular type or level of service that is organizationally distinct within
27 a facility.

28 (e) "Provider" means a person that has met the credentialing requirement of a group health
29 insurer, is otherwise eligible to receive reimbursement for coverage under the policy and is:

30 (A) A health care facility;

31 (B) A residential program or facility;

32 (C) A day or partial hospitalization program;

33 (D) An outpatient service; or

34 (E) An individual behavioral health or medical professional authorized for reimbursement under
35 Oregon law.

36 (2) The coverage may be made subject to provisions of the policy that apply to other benefits
37 under the policy, including but not limited to provisions relating to deductibles and coinsurance.
38 Deductibles and coinsurance for treatment in health care facilities or residential programs or facil-
39 ities may not be greater than those under the policy for expenses of hospitalization in the treatment
40 of other medical conditions. Deductibles and coinsurance for outpatient treatment may not be
41 greater than those under the policy for expenses of outpatient treatment of other medical conditions.

42 (3) The coverage may not be made subject to treatment limitations, limits on total payments for
43 treatment, limits on duration of treatment or financial requirements unless similar limitations or
44 requirements are imposed on coverage of other medical conditions. The coverage of eligible expenses
45 may be limited to treatment that is medically necessary as determined under the policy for other

1 medical conditions.

2 (4)(a) Nothing in this section requires coverage for:

3 (A) Educational or correctional services or sheltered living provided by a school or halfway
4 house;

5 (B) A long-term residential mental health program that lasts longer than 45 days;

6 (C) Psychoanalysis or psychotherapy received as part of an educational or training program,
7 regardless of diagnosis or symptoms that may be present;

8 (D) A court-ordered sex offender treatment program; or

9 (E) A screening interview or treatment program under ORS 813.021.

10 (b) Notwithstanding paragraph (a)(A) of this subsection, an insured may receive covered outpa-
11 tient services under the terms of the insured's policy while the insured is living temporarily in a
12 sheltered living situation.

13 (5) A provider is eligible for reimbursement under this section if:

14 (a) The provider is approved by the Department of Human Services;

15 (b) The provider is accredited for the particular level of care for which reimbursement is being
16 requested by the Joint Commission on Accreditation of Hospitals or the Commission on Accredi-
17 tation of Rehabilitation Facilities;

18 (c) The patient is staying overnight at the facility and is involved in a structured program at
19 least eight hours per day, five days per week; or

20 (d) The provider is providing a covered benefit under the policy.

21 (6) Payments may not be made under this section for support groups.

22 (7) If specified in the policy, outpatient coverage may include follow-up in-home service or out-
23 patient services. The policy may limit coverage for in-home service to persons who are homebound
24 under the care of a physician.

25 (8) Nothing in this section prohibits a group health insurer from managing the provision of
26 benefits through common methods, including but not limited to selectively contracted panels, health
27 plan benefit differential designs, preadmission screening, prior authorization of services, utilization
28 review or other mechanisms designed to limit eligible expenses to those described in subsection (3)
29 of this section.

30 (9) The Legislative Assembly has found that health care cost containment is necessary and in-
31 tends to encourage insurance policies designed to achieve cost containment by ensuring that re-
32 imbursement is limited to appropriate utilization under criteria incorporated into such policies,
33 either directly or by reference.

34 (10)(a) Subject to the patient or client confidentiality provisions of ORS 40.235 relating to phy-
35 sicians, ORS 40.240 relating to nurse practitioners, ORS 40.230 relating to psychologists, ORS 40.250
36 and 675.580 relating to licensed clinical social workers and ORS 40.262 relating to licensed profes-
37 sional counselors and licensed marriage and family therapists, a group health insurer may provide
38 for review for level of treatment of admissions and continued stays for treatment in health care fa-
39 cilities, residential programs or facilities, day or partial hospitalization programs and outpatient
40 services by either group health insurer staff or personnel under contract to the group health insurer,
41 or by a utilization review contractor, who shall have the authority to certify for or deny level of
42 payment.

43 (b) Review shall be made according to criteria made available to providers in advance upon re-
44 quest.

45 (c) Review shall be performed by or under the direction of a medical or osteopathic physician

1 licensed by the Oregon Medical Board, a psychologist licensed [*by the State Board of Psychologist*
 2 *Examiners*] **under ORS 675.010 to 675.150**, a clinical social worker licensed [*by the State Board of*
 3 *Licensed Social Workers*] **under ORS 675.510 to 675.600** or a professional counselor or marriage and
 4 family therapist licensed [*by the Oregon Board of Licensed Professional Counselors and Therapists*]
 5 **under ORS 675.715 to 675.835**, in accordance with standards of the National Committee for Quality
 6 Assurance or Medicare review standards of the Centers for Medicare and Medicaid Services.

7 (d) Review may involve prior approval, concurrent review of the continuation of treatment,
 8 post-treatment review or any combination of these. However, if prior approval is required, provision
 9 shall be made to allow for payment of urgent or emergency admissions, subject to subsequent re-
 10 view. If prior approval is not required, group health insurers shall permit providers, policyholders
 11 or persons acting on their behalf to make advance inquiries regarding the appropriateness of a
 12 particular admission to a treatment program. Group health insurers shall provide a timely response
 13 to such inquiries. Noncontracting providers must cooperate with these procedures to the same ex-
 14 tent as contracting providers to be eligible for reimbursement.

15 (11) Health maintenance organizations may limit the receipt of covered services by enrollees to
 16 services provided by or upon referral by providers contracting with the health maintenance organ-
 17 ization. Health maintenance organizations and health care service contractors may create substan-
 18 tive plan benefit and reimbursement differentials at the same level as, and subject to limitations no
 19 more restrictive than, those imposed on coverage or reimbursement of expenses arising out of other
 20 medical conditions and apply them to contracting and noncontracting providers.

21 (12) Nothing in this section prevents a group health insurer from contracting with providers of
 22 health care services to furnish services to policyholders or certificate holders according to ORS
 23 743.531 or 750.005, subject to the following conditions:

24 (a) A group health insurer is not required to contract with all eligible providers.

25 (b) An insurer or health care service contractor shall, subject to subsections (2) and (3) of this
 26 section, pay benefits toward the covered charges of noncontracting providers of services for the
 27 treatment of chemical dependency or mental or nervous conditions. The insured shall, subject to
 28 subsections (2) and (3) of this section, have the right to use the services of a noncontracting provider
 29 of services for the treatment of chemical dependency or mental or nervous conditions, whether or
 30 not the services for chemical dependency or mental or nervous conditions are provided by con-
 31 tracting or noncontracting providers.

32 (13) The intent of the Legislative Assembly in adopting this section is to reserve benefits for
 33 different types of care to encourage cost effective care and to ensure continuing access to levels
 34 of care most appropriate for the insured's condition and progress.

35 (14) The Director of the Department of Consumer and Business Services, after notice and hear-
 36 ing, may adopt reasonable rules not inconsistent with this section that are considered necessary for
 37 the proper administration of these provisions.

38
 39 **REPEALS**

40
 41 **SECTION 262. ORS 675.597, 681.450, 681.460, 685.195 and 688.557 are repealed.**

42
 43 **OPERATIVE DATE**

44
 45 **SECTION 263. (1) Sections 6a, 7 to 9, 17 to 23, 37 to 43, 54 to 60, 77 to 83, 96 to 102, 118**

1 to 124, 142 to 148, 168 to 174, 191 to 197 and 247 of this 2013 Act, the amendments to statutes
2 and session law by sections 1 to 6, 6b, 10 to 16, 24 to 36, 44 to 53, 61 to 76, 84 to 95, 103 to 117,
3 125 to 141, 149 to 167, 175 to 190, 198 to 246 and 248 to 261 of this 2013 Act and the repeal of
4 statutes by section 262 of this 2013 Act become operative on January 1, 2014.

5 (2) The Oregon Health Licensing Agency may take any action before the operative date
6 specified in subsection (1) of this section that is necessary to enable the agency to exercise,
7 on and after the operative date specified in subsection (1) of this section, all the duties,
8 functions and powers conferred on the agency by sections 6a, 7 to 9, 17 to 23, 37 to 43, 54 to
9 60, 77 to 83, 96 to 102, 118 to 124, 142 to 148, 168 to 174, 191 to 197 and 247 of this 2013 Act,
10 the amendments to statutes and session law by sections 1 to 6, 6b, 10 to 16, 24 to 36, 44 to
11 53, 61 to 76, 84 to 95, 103 to 117, 125 to 141, 149 to 167, 175 to 190, 198 to 246 and 248 to 261
12 of this 2013 Act and the repeal of statutes by section 262 of this 2013 Act.

13
14 **UNIT CAPTIONS**

15
16 **SECTION 264.** The unit captions used in this 2013 Act are provided only for the conven-
17 ience of the reader and do not become part of the statutory law of this state or express any
18 legislative intent in the enactment of this 2013 Act.

19
20 **EMERGENCY CLAUSE**

21
22 **SECTION 265.** This 2013 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
24 on its passage.

25
