

**PROPOSED AMENDMENTS TO
HOUSE BILL 2611**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 675.140, 675.330, 675.597, 675.805, 676.625,
3 677.290, 678.170, 679.260, 681.480, 683.290, 684.171, 685.201, 687.071, 688.201 and
4 688.585;”.

5 Delete lines 4 through 28 and delete pages 2 and 3 and insert:

6 **“SECTION 1. (1) As used in this section, ‘board’ means the:**

7 **“(a) State Board of Examiners for Speech-Language Pathology and**
8 **Audiology;**

9 **“(b) State Board of Chiropractic Examiners;**

10 **“(c) State Board of Licensed Social Workers;**

11 **“(d) Oregon Board of Licensed Professional Counselors and Thera-**
12 **pists;**

13 **“(e) Oregon Board of Dentistry;**

14 **“(f) Board of Licensed Dietitians;**

15 **“(g) State Board of Massage Therapists;**

16 **“(h) Oregon Board of Naturopathic Medicine;**

17 **“(i) Oregon State Board of Nursing;**

18 **“(j) Nursing Home Administrators Board;**

19 **“(k) Oregon Board of Optometry;**

20 **“(L) State Board of Pharmacy;**

21 **“(m) Oregon Medical Board;**

22 **“(n) Occupational Therapy Licensing Board;**

1 **“(o) Physical Therapist Licensing Board;**
2 **“(p) State Board of Psychologist Examiners;**
3 **“(q) Board of Medical Imaging;**
4 **“(r) State Board of Direct Entry Midwifery;**
5 **“(s) State Board of Denture Technology;**
6 **“(t) Respiratory Therapist and Polysomnographic Technologist Li-**
7 **censing Board;**
8 **“(u) Home Care Commission; and**
9 **“(v) Oregon Health Authority, to the extent that the authority li-**
10 **censes emergency medical service providers.**

11 **“(2)(a) In collaboration with the Oregon Health Authority, a board**
12 **may adopt rules under which the board may require a person author-**
13 **ized to practice the profession regulated by the board to receive cul-**
14 **tural competency continuing education approved by the authority**
15 **under section 2 of this 2013 Act.**

16 **“(b) Cultural competency continuing education courses may be**
17 **taken in addition to or, if a board determines that the cultural com-**
18 **petency continuing education fulfills existing continuing education**
19 **requirements, instead of any other continuing education requirement**
20 **imposed by the board.**

21 **“(3)(a) A board, or the Oregon Health Licensing Agency for those**
22 **boards for which the agency issues and renews authorizations to**
23 **practice the profession regulated by the board, shall document partic-**
24 **ipation in cultural competency continuing education by persons au-**
25 **thorized to practice a profession regulated by the board.**

26 **“(b) For purposes of documenting participation under this sub-**
27 **section, a board may adopt rules requiring persons authorized to**
28 **practice the profession regulated by the board to submit documenta-**
29 **tion to the board, or to the agency for those boards for which the**
30 **agency issues and renews authorizations to practice the profession**

1 regulated by the board, of participation in cultural competency con-
2 tinuing education.

3 “(4) A board shall report biennially to the authority on the partic-
4 ipation documented under subsection (3) of this section.

5 “(5) The authority, on or before August 1 of each even-numbered
6 year, shall report to the interim committees of the Legislative As-
7 sembly related to health care on the information submitted to the
8 authority under subsection (4) of this section.

9 **“SECTION 2. (1) The Oregon Health Authority shall approve con-
10 tinuing education opportunities relating to cultural competency.**

11 **“(2) The authority shall develop a list of continuing education op-
12 portunities relating to cultural competency and make the list available
13 to each board, as defined in section 1 of this 2013 Act.**

14 **“(3) The continuing education opportunities may include, but need
15 not be limited to:**

16 **“(a) Courses delivered either in person or electronically;**

17 **“(b) Experiential learning such as cultural or linguistic immersion;**

18 **“(c) Service learning; or**

19 **“(d) Specially designed cultural experiences.**

20 **“(4) The continuing education opportunities must teach attitudes,
21 knowledge and skills that enable a health care professional to care
22 effectively for patients from diverse cultures, groups and communities,
23 including but not limited to:**

24 **“(a) Applying linguistic skills to communicate effectively with pa-
25 tients from diverse cultures, groups and communities;**

26 **“(b) Using cultural information to establish therapeutic relation-
27 ships; and**

28 **“(c) Eliciting, understanding and applying cultural and ethnic data
29 in the process of clinical care.**

30 **“(5) The authority may accept gifts, grants or contributions from**

1 any public or private source for the purpose of carrying out this sec-
2 tion. Moneys received by the authority under this subsection shall be
3 deposited into the Oregon Health Authority Fund established by ORS
4 413.101.

5 “(6) The authority may contract with or award grant funding to a
6 public or private entity to develop the list of or offer approved con-
7 tinuing education opportunities relating to cultural competency. The
8 authority is not subject to the requirements of ORS chapters 279A,
9 279B and 279C with respect to contracts entered into under this sub-
10 section.

11 **“SECTION 3.** ORS 675.140 is amended to read:

12 “675.140. On or before the 10th day of each month, the State Board of
13 Psychologist Examiners shall pay into the State Treasury all moneys re-
14 ceived by the board during the preceding calendar month. The State Treas-
15 urer shall credit the moneys to the State Board of Psychologist Examiners
16 Account. The moneys in the State Board of Psychologist Examiners Account
17 are continuously appropriated to the board for the purpose of paying the
18 expenses of administering and enforcing ORS 675.010 to 675.150 **and section**
19 **1 of this 2013 Act.**

20 **“SECTION 4.** ORS 675.330 is amended to read:

21 “675.330. (1) The Occupational Therapy Licensing Board Account is es-
22 tablished in the State Treasury, separate and distinct from the General Fund.
23 All moneys received by the Occupational Therapy Licensing Board under
24 ORS 675.210 to 675.340 shall be deposited into the account and are contin-
25 uously appropriated to the board to be used only for the administration and
26 enforcement of ORS 675.210 to 675.340 and 675.990 (2) **and section 1 of this**
27 **2013 Act.** Any interest or other income from moneys in the account shall be
28 credited to the account.

29 “(2) All civil penalties collected or received for violations of or in prose-
30 cutions under ORS 675.210 to 675.340 shall be deposited into the Occupa-

1 tional Therapy Licensing Board Account and shall be used only for the
2 administration and enforcement of ORS 675.210 to 675.340.

3 **SECTION 5.** ORS 675.597 is amended to read:

4 “675.597. The State Board of Licensed Social Workers Account is estab-
5 lished in the State Treasury, separate and distinct from the General Fund.
6 Interest earned by the State Board of Licensed Social Workers Account shall
7 be credited to the account. Moneys in the account are continuously appro-
8 priated to the board for the administration and enforcement of ORS 675.510
9 to 675.600 **and section 1 of this 2013 Act.**

10 **SECTION 6.** ORS 675.805 is amended to read:

11 “675.805. All moneys received by the Oregon Board of Licensed Profes-
12 sional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid
13 into the General Fund in the State Treasury and placed to the credit of the
14 Oregon Board of Licensed Professional Counselors and Therapists Account,
15 which is hereby established. Such moneys are appropriated continuously and
16 shall be used only for the administration and enforcement of ORS 675.715 to
17 675.835 **and section 1 of this 2013 Act.**

18 **SECTION 7.** ORS 676.625 is amended to read:

19 “676.625. (1) The Oregon Health Licensing Agency shall establish by rule
20 and shall collect fees and charges to carry out the agency’s responsibilities
21 under ORS 676.605 to 676.625 and 676.992 **and section 1 of this 2013 Act** and
22 any responsibility imposed on the agency pertaining to the boards, councils
23 and programs administered and regulated by the agency pursuant to ORS
24 676.606.

25 “(2) The Oregon Health Licensing Agency Account is established in the
26 General Fund of the State Treasury. The account shall consist of the moneys
27 credited to the account by the Legislative Assembly. All moneys in the ac-
28 count are appropriated continuously to and shall be used by the Oregon
29 Health Licensing Agency for payment of expenses of the agency in carrying
30 out the duties, functions and obligations of the agency, and for payment of

1 the expenses of the boards, councils and programs administered and regu-
2 lated by the agency pursuant to ORS 676.606. The agency shall keep a record
3 of all moneys credited to the account and report the source from which the
4 moneys are derived and the activity of each board, council or program that
5 generated the moneys.

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

12 “(4) All moneys credited to the account pursuant to ORS 675.405, 676.617,
13 680.525, 687.435, 688.728, 688.834, 690.235, 690.415, 691.479, 694.185 and 700.080,
14 and moneys credited to the account from other agency and program fees es-
15 tablished by the agency by rule, are continuously appropriated to the agency
16 for carrying out the duties, functions and powers of the agency under ORS
17 676.605 to 676.625 and 676.992 **and section 1 of this 2013 Act.**

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

22 **“SECTION 8.** ORS 677.290 is amended to read:

23 “677.290. (1) All moneys received by the Oregon Medical Board under this
24 chapter shall be paid into the General Fund in the State Treasury and placed
25 to the credit of the Oregon Medical Board Account which is established.
26 Such moneys are appropriated continuously and shall be used only for the
27 administration and enforcement of this chapter **and section 1 of this 2013**
28 **Act.**

29 “(2) Notwithstanding subsection (1) of this section, the board may main-
30 tain a revolving account in a sum not to exceed \$50,000 for the purpose of

1 receiving and paying pass-through moneys relating to peer review pursuant
2 to its duties under ORS 441.055 (4) and (5) and in administering programs
3 pursuant to its duties under this chapter relating to the education and re-
4 habilitation of licensees in the areas of chemical substance abuse, inappro-
5 priate prescribing and medical competence. The creation of and disbursement
6 of moneys from the revolving account shall not require an allotment or al-
7 location of moneys pursuant to ORS 291.234 to 291.260. All moneys in the
8 account are continuously appropriated for purposes set forth in this sub-
9 section.

10 “(3) Each year \$10 shall be paid to the Oregon Health and Science Uni-
11 versity for each in-state physician licensed under this chapter, which amount
12 is continuously appropriated to the Oregon Health and Science University
13 to be used in maintaining a circulating library of medical and surgical books
14 and publications for the use of practitioners of medicine in this state, and
15 when not so in use to be kept at the library of the School of Medicine and
16 accessible to its students. The balance of the money received by the board
17 is appropriated continuously and shall be used only for the administration
18 and enforcement of this chapter, but any part of the balance may, upon the
19 order of the board, be paid into the circulating library fund.

20 **“SECTION 9.** ORS 678.170 is amended to read:

21 “678.170. (1) All money received by the Oregon State Board of Nursing
22 under ORS 678.010 to 678.445 shall be paid into the General Fund in the State
23 Treasury and placed to the credit of the Oregon State Board of Nursing
24 Account. Such moneys are appropriated continuously and shall be used only
25 for the administration and enforcement of ORS 678.010 to 678.445 **and sec-**
26 **tion 1 of this 2013 Act.**

27 “(2) The board shall keep a record of all moneys deposited in the Oregon
28 State Board of Nursing Account. This record shall indicate by separate cu-
29 mulative accounts the source from which the moneys are derived and the
30 individual activity or program against which each withdrawal is charged.

1 “(3) The board may maintain a petty cash fund in compliance with ORS
2 293.180 in the amount of \$1,000.

3 **“SECTION 10.** ORS 679.260 is amended to read:

4 “679.260. (1) The Oregon Board of Dentistry Account is established in the
5 State Treasury separate and distinct from the General Fund.

6 “(2) All moneys received by the Oregon Board of Dentistry under this
7 chapter shall be paid to the State Treasury and credited to the Oregon Board
8 of Dentistry Account. Any interest or other income derived from moneys paid
9 into the account shall be credited monthly to the account.

10 “(3) Moneys in the Oregon Board of Dentistry Account are appropriated
11 continuously and shall be used only for the administration and enforcement
12 of ORS 680.010 to 680.205 and this chapter **and section 1 of this 2013 Act.**

13 “(4) Ten percent of the annual license fee to be paid by each licensee of
14 the Oregon Board of Dentistry shall be used by the board to ensure the
15 continued professional competence of licensees. Such activities shall include
16 the development of performance standards and professional peer review.

17 **“SECTION 11.** ORS 681.480 is amended to read:

18 “681.480. The State Board of Examiners for Speech-Language Pathology
19 and Audiology Account is established in the State Treasury, separate and
20 distinct from the General Fund. All moneys received by the State Board of
21 Examiners for Speech-Language Pathology and Audiology under this chapter
22 shall be deposited into the account and are continuously appropriated to the
23 board for the administration and enforcement of this chapter **and section 1**
24 **of this 2013 Act.** Any interest or other income from moneys in the account
25 shall be credited to the account.

26 **“SECTION 12.** ORS 683.290 is amended to read:

27 “683.290. (1) All moneys received by the Oregon Board of Optometry under
28 ORS 683.010 to 683.340 shall be deposited into an account established by the
29 board as provided under ORS 182.470. Moneys deposited into the account
30 hereby are appropriated continuously to the board and shall be used only for

1 the administration and enforcement of ORS 182.456 to 182.472 and 683.010 to
2 683.340 **and section 1 of this 2013 Act.**

3 “(2) Notwithstanding subsection (1) of this section and ORS 182.470, all
4 civil penalties collected or received for violations of or in prosecutions under
5 ORS 683.010 to 683.340 shall be paid to the account described under sub-
6 section (1) of this section.

7 “(3) In addition to making expenditures for the administration and
8 enforcement of ORS 683.010 to 683.340, the Oregon Board of Optometry may
9 make expenditures for educational purposes out of funds available.

10 **“SECTION 13.** ORS 684.171 is amended to read:

11 “684.171. All moneys received by the State Board of Chiropractic Exam-
12 iners under this chapter shall be paid into the General Fund in the State
13 Treasury and placed to the credit of the State Board of Chiropractic Exam-
14 iners Account which is hereby established and such moneys are appropriated
15 continuously and shall be used only for the administration and enforcement
16 of this chapter **and section 1 of this 2013 Act.**

17 **“SECTION 14.** ORS 685.201 is amended to read:

18 “685.201. The Oregon Board of Naturopathic Medicine Account is estab-
19 lished in the State Treasury, separate and distinct from the General Fund.
20 All moneys received by the Oregon Board of Naturopathic Medicine under
21 this chapter shall be deposited into the account and are continuously ap-
22 propriated to the board to be used only for the administration and enforce-
23 ment of this chapter **and section 1 of this 2013 Act.** Any interest or other
24 income from moneys in the account shall be credited to the account.

25 **“SECTION 15.** ORS 687.071 is amended to read:

26 “687.071. (1) The State Board of Massage Therapists shall impose fees for
27 the following:

28 “(a) Massage therapist license issuance or renewal.

29 “(b) Examinations and reexaminations.

30 “(c) Inactive status.

1 “(d) Delinquency in renewal of a license.

2 “(e) Temporary practice permit.

3 “(f) Application for massage license examination.

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

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

11 “(4) All moneys received by the board shall be paid into the account cre-
12 ated by the board under ORS 182.470 and are appropriated continuously to
13 the board and shall be used only for the administration and enforcement of
14 ORS 687.011 to 687.250, 687.895 and 687.991 **and section 1 of this 2013 Act.**

15 **“SECTION 16.** ORS 688.201 is amended to read:

16 “688.201. All moneys received under ORS 688.010 to 688.201 shall be paid
17 into the account established by the Physical Therapist Licensing Board un-
18 der ORS 182.470. Those moneys hereby are appropriated continuously to the
19 board and shall be used only for the administration and enforcement of ORS
20 688.010 to 688.201 **and section 1 of this 2013 Act.**

21 **“SECTION 17.** ORS 688.585 is amended to read:

22 “688.585. (1) The Board of Medical Imaging Account is established in the
23 State Treasury, separate and distinct from the General Fund. Except for
24 moneys otherwise designated by statute, all fees, contributions and other
25 moneys received by the Board of Medical Imaging must be paid into the
26 State Treasury and credited to the account. All moneys in the account are
27 continuously appropriated to the board to be used by the board for purposes
28 of ORS 688.405 to 688.605 **and section 1 of this 2013 Act.** Any interest or
29 other income from moneys in the account shall be credited to the account.

30 “(2) The board shall keep a record of all moneys deposited in the account.

1 The record shall indicate by separate cumulative accounts the source from
2 which the moneys are derived and the individual activity or program for
3 which each withdrawal is charged.

4 **SECTION 18. Each public university listed in ORS 352.002 and each
5 community college, as defined in ORS 341.005, may require persons
6 authorized to practice a profession by a board, as defined in section 1
7 of this 2013 Act, who provide services to students at health care facil-
8 ities located on a campus of the public university or community col-
9 lege to provide proof of participating at least once every two years in
10 a continuing education opportunity relating to cultural competency
11 approved by the Oregon Health Authority under section 2 of this 2013
12 Act.**

13 **SECTION 19. (1) Section 2 of this 2013 Act becomes operative on
14 January 1, 2015.**

15 **“(2) The Oregon Health Authority may take any action necessary
16 before the operative date specified in subsection (1) of this section to
17 enable the authority to exercise, on and after the operative date
18 specified in subsection (1) of this section, all the duties, functions and
19 powers conferred on the authority by section 2 of this 2013 Act.**

20 **SECTION 20. (1) Sections 1 and 18 of this 2013 Act and the
21 amendments to statutes by sections 3 to 17 of this 2013 Act become
22 operative on January 1, 2017.**

23 **“(2) A board, as defined in section 1 of this 2013 Act, may take any
24 action necessary before the operative date specified in subsection (1)
25 of this section to enable the board to exercise, on and after the oper-
26 ative date specified in subsection (1) of this section, all the duties,
27 functions and powers conferred on the board by sections 1 and 18 of
28 this 2013 Act and the amendments to statutes by sections 3 to 17 of this
29 2013 Act.**

30 **SECTION 21. This 2013 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2013 Act takes effect on its passage.”.**

3
