

B-Engrossed
Senate Bill 230

Ordered by the House May 18
Including Senate Amendments dated February 12 and House Amendments
dated May 18

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

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.

Makes law requiring certain health care workers to submit demographic, education and other information to health care worker regulatory boards apply to all health care workers. Changes law so that submission of information is required only when renewing license to practice profession.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health care workforce information; creating new provisions; amending ORS 676.410; re-
3 pealing ORS 442.468; and declaring an emergency.

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

5 **SECTION 1.** ORS 676.410 is amended to read:

6 676.410. *[(1) As used in this section, "healthcare workforce regulatory board" means the:]*

7 *[(a) Occupational Therapy Licensing Board;]*

8 *[(b) Oregon Medical Board;]*

9 *[(c) Oregon State Board of Nursing;]*

10 *[(d) Oregon Board of Dentistry;]*

11 *[(e) Physical Therapist Licensing Board;]*

12 *[(f) State Board of Pharmacy; and]*

13 *[(g) Health Licensing Office for dietitians licensed under ORS 691.435.]*

14 **(1) As used in this section, "health care workforce regulatory board" means the:**

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

16 **(b) State Board of Chiropractic Examiners;**

17 **(c) State Board of Licensed Social Workers;**

18 **(d) Oregon Board of Licensed Professional Counselors and Therapists;**

19 **(e) Oregon Board of Dentistry;**

20 **(f) Board of Licensed Dietitians;**

21 **(g) State Board of Massage Therapists;**

22 **(h) Oregon Board of Naturopathic Medicine;**

23 **(i) Oregon State Board of Nursing;**

24 **(j) Respiratory Therapist and Polysomnographic Technologist Licensing Board;**

25 **(k) Oregon Board of Optometry;**

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 **(L) State Board of Pharmacy;**
- 2 **(m) Oregon Medical Board;**
- 3 **(n) Occupational Therapy Licensing Board;**
- 4 **(o) Physical Therapist Licensing Board;**
- 5 **(p) State Board of Psychologist Examiners; and**
- 6 **(q) Board of Medical Imaging.**

7 [(2)(a)] **(2)** *[An applicant for a license from a healthcare workforce regulatory board or renewal*
8 *of a license by a healthcare workforce regulatory board shall]* **An individual applying to renew a**
9 **license with a health care workforce regulatory board must** provide the information prescribed
10 by the *[Office for Oregon Health Policy and Research]* **Oregon Health Authority** pursuant to sub-
11 section (3) of this section **to the health care workforce regulatory board.**

12 [(b)] Except as provided in subsection (4) of this section, a *[healthcare]* **health care** workforce
13 regulatory board may not approve *[a subsequent application for a license or renewal of a license]* **an**
14 **application to renew a license** until the applicant provides the information.

15 (3) *[The Administrator for The Office for Oregon Health Policy and Research shall collaborate*
16 *with the healthcare workforce regulatory boards to adopt rules for the manner, form and content for*
17 *reporting, and]* **The authority shall collaborate with each health care workforce regulatory**
18 **board to adopt rules establishing:**

19 **(a)** The information that must be provided to a *[healthcare]* **health care** workforce regulatory
20 board under subsection (2) of this section, which may include:

- 21 [(a)] **(A)** Demographics, including race and ethnicity.
- 22 [(b)] **(B)** Education **and training** information.
- 23 [(c)] **(C)** License information.
- 24 [(d)] **(D)** Employment information.
- 25 [(e)] **(E)** Primary and secondary practice information.
- 26 [(f)] **(F)** Anticipated changes in the practice.
- 27 [(g)] **(G)** Languages spoken.

28 **(b) The manner and form of providing information under subsection (2) of this section.**

29 (4)(a) **Subject to paragraph (b) of this subsection,** a *[healthcare]* **health care** workforce reg-
30 ulatory board shall report *[healthcare]* **health care** workforce information collected under subsection
31 (2) of this section to the *[Office for Oregon Health Policy and Research]* **authority.**

32 [(b) *A healthcare workforce regulatory board shall keep confidential and not release personally*
33 *identifiable data collected under this section for a person licensed, registered or certified by a board.]*

34 **(b) Except as provided in paragraph (c) of this subsection, personally identifiable infor-**
35 **mation collected under subsection (2) of this section is confidential and a health care**
36 **workforce regulatory board and the authority may not release such information.**

37 **(c)** *[This paragraph does not apply to the release of information]* **A health care workforce reg-**
38 **ulatory board may release personally identifiable information collected under subsection (2)**
39 **of this section** to a law enforcement agency for investigative purposes or *[to the release to the Office*
40 *for Oregon Health Policy and Research]* **to the authority** for state health planning purposes.

41 [(5) *The requirements of subsection (2) of this section apply to an applicant for issuance or renewal*
42 *of a license who is or who is applying to become:]*

43 [(a) *An occupational therapist or certified occupational therapy assistant as defined in ORS*
44 *675.210;]*

45 [(b) *A physician as defined in ORS 677.010;]*

1 [(c) A physician assistant as defined in ORS 677.495;]

2 [(d) A nurse or nursing assistant licensed or certified under ORS 678.010 to 678.410;]

3 [(e) A dentist or dental hygienist as defined in ORS 679.010;]

4 [(f) A physical therapist or physical therapist assistant as defined in ORS 688.010;]

5 [(g) A pharmacist or pharmacy technician as defined in ORS 689.005; or]

6 [(h) A licensed dietitian, as defined in ORS 691.405.]

7 [(6)] (5) A [healthcare] **health care** workforce regulatory board may adopt rules [as necessary]
8 to perform the board's duties under this section.

9 [(7)] (6) In addition to [licensing] **renewal** fees that may be imposed by a [healthcare] **health**
10 **care** workforce regulatory board, the [Oregon Health Policy Board] **authority** shall establish fees
11 to be paid by [applicants for issuance or renewal of licenses] **individuals applying to renew a li-**
12 **cence with a health care workforce regulatory board. The amount of fees established under**
13 **this subsection must be** reasonably calculated to reimburse the actual cost of obtaining or re-
14 porting information as required by subsection (2) of this section.

15 (7) **Using information collected under subsection (2) of this section, the authority shall**
16 **create and maintain a health care workforce database that will provide data, including data**
17 **related to the diversity of this state's health care workforce, upon request to state agencies**
18 **and to the Legislative Assembly. The authority may contract with a private or public entity**
19 **to establish and maintain the database and to perform data analysis.**

20 **SECTION 2. ORS 442.468 is repealed.**

21 **SECTION 3. (1) For individuals applying to renew a license to practice a regulated pro-**
22 **fession with the Oregon Board of Dentistry, Board of Licensed Dietitians, Oregon State**
23 **Board of Nursing, State Board of Pharmacy, Oregon Medical Board, Occupational Therapy**
24 **Licensing Board and Physical Therapist Licensing Board, the amendments to ORS 676.410 by**
25 **section 1 of this 2015 Act apply to applications to renew a license to practice a regulated**
26 **profession that are submitted on or after the operative date specified in section 4 of this 2015**
27 **Act.**

28 (2) **For individuals applying to renew a license to practice a regulated profession with the**
29 **State Board of Examiners for Speech-Language Pathology and Audiology, State Board of**
30 **Chiropractic Examiners, State Board of Licensed Social Workers, Oregon Board of Licensed**
31 **Professional Counselors and Therapists, State Board of Massage Therapists, Oregon Board**
32 **of Naturopathic Medicine, Respiratory Therapist and Polysomnographic Technologist Li-**
33 **icensing Board, Oregon Board of Optometry, State Board of Psychologist Examiners and**
34 **Board of Medical Imaging, the amendments to ORS 676.410 by section 1 of this 2015 Act apply**
35 **to applications to renew a license to practice a regulated profession that are submitted on**
36 **or after the date on which rules are adopted for health care workers regulated by a health**
37 **care workforce regulatory board pursuant to ORS 676.410 (3).**

38 **SECTION 4. (1) The amendments to ORS 676.410 by section 1 of this 2015 Act and the**
39 **repeal of ORS 442.468 by section 2 of this 2015 Act become operative on January 1, 2016.**

40 (2) **The Oregon Health Authority may take any action before the operative date specified**
41 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
42 **after the operative date specified in subsection (1) of this section, all the duties, powers and**
43 **functions conferred on the authority by the amendments to ORS 676.410 by section 1 of this**
44 **2015 Act.**

45 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
2 **on its passage.**

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