

SB 135-1
(LC 1763)
2/27/19 (SCT/ps)

Requested by SENATE COMMITTEE ON HEALTH CARE (at the request of Paul Terdal)

**PROPOSED AMENDMENTS TO
SENATE BILL 135**

1 In line 2 of the printed bill, after “analysis;” insert “creating new pro-
2 visions; amending ORS 676.922;”.

3 In line 6, delete “(1)”.

4 In line 7, delete “require” and insert “direct”.

5 In line 8, after “676.612” insert “, that violates a provision of ORS 676.810
6 to 676.820”.

7 Delete lines 10 through 15 and insert:

8 **“SECTION 3.** ORS 676.992, as amended by section 25, chapter 61, Oregon
9 Laws 2018, is amended to read:

10 “676.992. (1) Except as provided in subsection (3) of this section, and in
11 addition to any other penalty or remedy provided by law, the Health Li-
12 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-
13 lation of the following statutes and any rule adopted under the following
14 statutes:

15 “(a) ORS 688.701 to 688.734 (athletic training);

16 “(b) ORS 690.005 to 690.225 (cosmetology);

17 “(c) ORS 680.500 to 680.565 (denture technology);

18 “(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct
19 entry midwifery);

20 “(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe
21 piercing, dermal implanting and scarification);

1 “(f) ORS 694.015 to 694.170 (dealing in hearing aids);
2 “(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
3 “(h) ORS chapter 700 (environmental sanitation);
4 “(i) ORS 675.360 to 675.410 (sexual abuse specific treatment);
5 “(j) ORS 678.710 to 678.820 (nursing home administrators and residential
6 care facility administrators);
7 “(k) ORS 691.405 to 691.485 (dietitians);
8 “(L) ORS 676.612 (prohibited acts);
9 “(m) ORS 676.810 [*and 676.815*] **to 676.820** (applied behavior analysis);
10 “(n) ORS 681.700 to 681.730 (music therapy);
11 “(o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
12 “(p) ORS 681.740 to 681.758 (art therapy); and
13 “(q) ORS 676.665 to 676.689 (lactation consultation).

14 “(2) The office may take any other disciplinary action that it finds proper,
15 including but not limited to assessment of costs of disciplinary proceedings,
16 not to exceed \$5,000, for violation of any statute listed in subsection (1) of
17 this section or any rule adopted under any statute listed in subsection (1)
18 of this section.

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

21 “(4) In imposing a civil penalty under this section, the office shall con-
22 sider the following factors:

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

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

26 “(c) The history of the person incurring a penalty in taking all feasible
27 steps to correct any violation; and

28 “(d) Any other aggravating or mitigating factors.

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

1 “(6) The moneys received by the office from civil penalties under this
2 section shall be deposited in the Health Licensing Office Account and are
3 continuously appropriated to the office for the administration and enforce-
4 ment of the laws the office is charged with administering and enforcing that
5 govern the person against whom the penalty was imposed.”.

6 In line 16, delete “3” and insert “4” and delete “applies” and insert “and
7 the amendments to ORS 676.992 by section 3 of this 2019 Act apply”.

8 In line 18, delete “4” and insert “5” and delete “becomes” and insert “and
9 the amendments to ORS 676.992 by section 3 of this 2019 Act become”.

10 In line 22, after “Act” insert “and the amendments to ORS 676.992 by
11 section 3 of this 2019 Act”.

12 In line 23, delete “5” and insert ”6”.

13
