

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 3231**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 676.565, 676.579, 676.590, 676.612, 676.613,
3 676.622 and 676.992;”.

4 Delete lines 4 through 30 and delete pages 2 through 6 and insert:

5 **“SECTION 1. As used in sections 1 to 14 of this 2021 Act:**

6 **“(1) ‘Licensee’ means an individual who holds a license issued under**
7 **sections 1 to 14 of this 2021 Act.**

8 **“(2) ‘Signed language interpretation services’ means the accurate**
9 **interpretation, in a professional setting, of:**

10 **“(a) The oral statements of an individual into sign language;**

11 **“(b) The signed statements of an individual into oral language; and**

12 **“(c) The signed statements of an individual into another language.**

13 **“(3) ‘Sign language interpreter’ means an individual who provides**
14 **signed language interpretation services.**

15 **“SECTION 2. (1) The Health Licensing Office shall issue a supervi-**
16 **sory sign language interpreter license to an applicant who:**

17 **“(a) Is at least 18 years of age;**

18 **“(b) Is of good ethical character and reputation, as determined by**
19 **the State Board of Sign Language Interpreters;**

20 **“(c) Has at least three years of qualifying experience, as determined**
21 **by the board;**

1 “(d) Meets the requirements established by the board relating to
2 competence and education;

3 “(e) Meets any other requirements established by the board; and

4 “(f) Pays a fee established by the office.

5 “(2) A license issued under this section is valid for one year from
6 the date of issuance and may be renewed. To renew a license issued
7 under this section, a licensed supervisory sign language interpreter
8 must:

9 “(a) Meet the requirements for renewal established under ORS
10 676.572;

11 “(b) Submit satisfactory evidence of providing supervision to li-
12 censed provisional sign language interpreters;

13 “(c) Meet any other requirements established by the board; and

14 “(d) Pay a fee established by the office.

15 “(3) A licensed supervisory sign language interpreter:

16 “(a) May not provide signed language interpretation services in an
17 educational, legal or medical setting without a license issued under
18 section 5, 6 or 7 of this 2021 Act.

19 “(b) May supervise licensed provisional sign language interpreters.

20 “SECTION 3. (1) The Health Licensing Office shall issue a sign
21 language interpreter license to an applicant who:

22 “(a) Is at least 18 years of age;

23 “(b) Is of good ethical character and reputation, as determined by
24 the State Board of Sign Language Interpreters;

25 “(c) Has sufficient experience in providing signed language inter-
26 pretation services, as determined by the board;

27 “(d) Meets the requirements established by the board relating to
28 competence and education;

29 “(e) Meets any other requirements established by the board; and

30 “(f) Pays a fee established by the office.

1 “(2) A license issued under this section is valid for one year from
2 the date of issuance and may not be renewed.

3 “(3) A licensed sign language interpreter may not provide signed
4 language interpretation services in an educational, legal or medical
5 setting without a license issued under section 5, 6 or 7 of this 2021 Act.

6 “SECTION 4. (1) The Health Licensing Office shall issue a provi-
7 sional sign language interpreter license to an applicant who:

8 “(a) Is at least 18 years of age;

9 “(b) Is of good ethical character and reputation, as determined by
10 the State Board of Sign Language Interpreters;

11 “(c) Meets the requirements established by the board relating to
12 competence and education;

13 “(d) Meets any other requirements established by the board; and

14 “(e) Pays a fee established by the office.

15 “(2) A license issued under this section is valid for one year from
16 the date of issuance and may be renewed once. To renew a license is-
17 sued under this section, a licensed provisional sign language inter-
18 preter must:

19 “(a) Meet the requirements for renewal established under ORS
20 676.572;

21 “(b) Submit evidence of demonstrable efforts to meet the necessary
22 qualifications for licensure as a sign language interpreter;

23 “(c) Meet any other requirements established by the board; and

24 “(d) Pay a fee established by the office.

25 “(3) A licensed provisional sign language interpreter:

26 “(a) May provide signed language interpretation services only under
27 the supervision of a licensed supervisory sign language interpreter.

28 “(b) May not provide signed language interpretation services in an
29 educational, legal or medical setting without a license issued under
30 section 5, 6 or 7 of this 2021 Act.

1 **“SECTION 5. (1) The Health Licensing Office shall issue an educa-**
2 **tional sign language interpreter license to an applicant who:**

3 **“(a) Is at least 18 years of age;**

4 **“(b) Is of good ethical character and reputation, as determined by**
5 **the State Board of Sign Language Interpreters;**

6 **“(c) Meets the requirements established by the Department of Ed-**
7 **ucation by rule relating to sign language interpreters serving in**
8 **schools;**

9 **“(d) Meets any other requirements established by the board; and**

10 **“(e) Pays a fee established by the office.**

11 **“(2) A license issued under this section is valid for three years from**
12 **the date of issuance and may be renewed once. To renew a license is-**
13 **sued under this section, a licensed educational sign language inter-**
14 **preter must:**

15 **“(a) Meet the requirements for renewal established under ORS**
16 **676.572;**

17 **“(b) Submit evidence of demonstrable efforts to meet the necessary**
18 **qualifications for licensure as a sign language interpreter;**

19 **“(c) Meet any other requirements established by the board; and**

20 **“(d) Pay a fee established by the office.**

21 **“(3) Only a licensed educational sign language interpreter may**
22 **provide signed language interpretation services in an educational set-**
23 **ting that is for students in kindergarten through grade 12.**

24 **“SECTION 6. (1) The Health Licensing Office shall issue a medical**
25 **sign language interpreter license to an applicant who:**

26 **“(a) Is a licensed supervisory sign language interpreter or a licensed**
27 **sign language interpreter;**

28 **“(b) Meets any requirements established by the State Board of Sign**
29 **Language Interpreters; and**

30 **“(c) Pays a fee established by the office.**

1 “(2) A license issued under this section is valid for one year from
2 the date of issuance and may be renewed. To renew a license issued
3 under this section, a licensed medical sign language interpreter must:

4 “(a) Meet the requirements for renewal established under ORS
5 676.572;

6 “(b) Meet any requirements established by the board; and

7 “(c) Pay a fee established by the office.

8 “(3) A licensed medical sign language interpreter may provide
9 signed language interpretation services only in a medical setting as
10 defined by the board.

11 “SECTION 7. (1) The Health Licensing Office shall issue a legal sign
12 language interpreter license to an applicant who:

13 “(a) Is a licensed supervisory sign language interpreter or a licensed
14 sign language interpreter;

15 “(b) Meets any requirements established by the State Board of Sign
16 Language Interpreters; and

17 “(c) Pays a fee established by the office.

18 “(2) A license issued under this section is valid for three years from
19 the date of issuance and may be renewed. To renew a license issued
20 under this section, a licensed legal sign language interpreter must:

21 “(a) Meet the requirements for renewal established under ORS
22 676.572;

23 “(b) Meet any requirements established by the board; and

24 “(c) Pay a fee established by the office.

25 “(3) A licensed legal sign language interpreter may provide signed
26 language interpretation services only in a legal setting as defined by
27 the board.

28 “SECTION 8. (1)(a) Except as provided in paragraph (b) of this
29 subsection, a person who is not licensed under sections 1 to 14 of this
30 2021 Act may not provide signed language interpretation services.

1 **“(b) A person who is not licensed under sections 1 to 14 of this 2021**
2 **Act may provide signed language interpretation services:**

3 **“(A) In circumstances in which a license issued under sections 1 to**
4 **14 of this 2021 Act is not required, including for signed languages for**
5 **which a professional authorization is not offered.**

6 **“(B) In an emergency during which a licensee is not available.**

7 **“(C) In other extenuating circumstances, as determined by the**
8 **State Board of Sign Language Interpreters.**

9 **“(D) If the person is a qualified interpreter under ORS 45.288 or a**
10 **court interpreter certified under ORS 45.291 providing signed language**
11 **interpretation services for the purpose of a proceeding in the Supreme**
12 **Court, Court of Appeals, Oregon Tax Court or a circuit court or at the**
13 **direction or with the approval of the Chief Justice of the Supreme**
14 **Court or the presiding judge of the court in which the proceeding oc-**
15 **curs.**

16 **“(2) A person who is not licensed under sections 1 to 14 of this 2021**
17 **Act may not assume or use any title, words, abbreviations, signs or**
18 **insignias, including but not limited to the titles ‘licensed supervisory**
19 **sign language interpreter,’ ‘licensed sign language interpreter,’ ‘li-**
20 **censed provisional sign language interpreter,’ ‘licensed educational**
21 **sign language interpreter,’ ‘licensed legal sign language interpreter’**
22 **or ‘licensed medical sign language interpreter,’ that indicate that the**
23 **person is licensed to provide signed language interpretation services**
24 **under sections 1 to 14 of this 2021 Act.**

25 **“SECTION 9. A licensee who acquires any information protected by**
26 **confidentiality, privilege or privacy laws while providing signed lan-**
27 **guage interpretation services may not be required to disclose the in-**
28 **formation in an investigation, trial or other legal proceeding without**
29 **the consent of the individuals for whom the signed language inter-**
30 **pretation services were provided.**

1 **“SECTION 10. In the manner prescribed in ORS chapter 183 for**
2 **contested cases, and at the direction of the State Board of Sign Lan-**
3 **guage Interpreters, the Health Licensing Office may impose a form of**
4 **discipline listed in ORS 676.612 for a violation of sections 1 to 14 of this**
5 **2021 Act or rules adopted under sections 1 to 14 of this 2021 Act.**

6 **“SECTION 11. (1) There is established within the Oregon Health**
7 **Authority the State Board of Sign Language Interpreters consisting**
8 **of seven members appointed by the Governor as follows:**

9 **“(a)(A) Two members who are deaf, deaf-blind or hard of hearing**
10 **and who represent an association in this state that promotes and**
11 **protects the rights of persons who are deaf and hard of hearing;**

12 **“(B) One member who represents a professional organization in this**
13 **state for sign language interpreters for persons who are deaf and hard**
14 **of hearing and who holds a license issued under sections 1 to 14 of this**
15 **2021 Act;**

16 **“(C) One member who represents a sign language interpreter edu-**
17 **cation program at a post-secondary institution in this state and who**
18 **holds a license issued under sections 1 to 14 of this 2021 Act;**

19 **“(D) Two members who are hearing interpreters certified by or**
20 **registered with a national organization for sign language interpreters**
21 **and who hold licenses issued under sections 1 to 14 of this 2021 Act;**
22 **and**

23 **“(E) One member who is a deaf interpreter certified by or registered**
24 **with a national organization for sign language interpreters and who**
25 **holds a license issued under sections 1 to 14 of this 2021 Act.**

26 **“(b) All members must be residents of this state and proficient in**
27 **American Sign Language. To the extent practicable, the members**
28 **must reflect the geographic and racial diversity of this state.**

29 **“(2) The term of office of each member of the board is three years,**
30 **but a member serves at the pleasure of the Governor. Before the ex-**

1 **piration of a term of a member, the Governor shall appoint a successor**
2 **whose term begins on January 1 next following. A member is eligible**
3 **for reappointment. If there is a vacancy for any cause, the Governor**
4 **shall make an appointment to become immediately effective for the**
5 **unexpired term.**

6 **“(3) A member of the board is entitled to compensation and ex-**
7 **penses as provided in ORS 292.495.**

8 **“(4) The board shall select one of its members as chairperson and**
9 **another as vice chairperson, for such terms and with duties and pow-**
10 **ers necessary for the performance of the functions of the office of**
11 **chairperson and vice chairperson as the board determines.**

12 **“(5) A majority of the members constitutes a quorum for the**
13 **transaction of business.**

14 **“(6) The board shall meet at least once each quarter as determined**
15 **by the authority. The board may also meet at other times and places**
16 **specified by the call of the chairperson or of a majority of the mem-**
17 **bers of the board.**

18 **“SECTION 12. The State Board of Sign Language Interpreters:**

19 **“(1) Shall establish:**

20 **“(a) A publicly available registry of licensees that includes at least**
21 **the names and specific license of each licensee.**

22 **“(b) A process to receive and address grievances regarding licensees**
23 **and signed language interpreting services.**

24 **“(2) Shall adopt rules to carry out sections 1 to 14 of this 2021 Act,**
25 **including rules to:**

26 **“(a) Determine qualifications for education and competence for is-**
27 **suance of licenses under sections 1 to 14 of this 2021 Act;**

28 **“(b) Determine qualifications for renewal of licenses issued under**
29 **sections 1 to 14 of this 2021 Act;**

30 **“(c) Establish supervision requirements; and**

1 “(d) Establish a code of professional conduct for sign language in-
2 terpreters licensed under sections 1 to 14 of this 2021 Act.

3 “(3) May establish additional specialty licenses for sign language
4 interpreters that the board determines necessary.

5 “SECTION 13. The Oregon Health Authority and Department of
6 Education may adopt rules with the advice of the State Board of Sign
7 Language Interpreters to carry out the authority’s and the
8 department’s duties under sections 1 to 14 of this 2021 Act.

9 “SECTION 14. Violation of any provision of sections 1 to 14 of this
10 2021 Act is a Class C misdemeanor.

11 “SECTION 15. ORS 676.565 is amended to read:

12 “676.565. Pursuant to ORS 676.568, the Health Licensing Office shall pro-
13 vide administrative and regulatory oversight and centralized service for the
14 following boards, councils and programs:

15 “(1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

16 “(2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

17 “(3) State Board of Denture Technology, as provided in ORS 680.500 to
18 680.565;

19 “(4) State Board of Direct Entry Midwifery, as provided in ORS 687.405
20 to 687.495;

21 “(5) Respiratory Therapist and Polysomnographic Technologist Licensing
22 Board, as provided in ORS 688.800 to 688.840;

23 “(6) Environmental Health Registration Board, as provided in ORS chap-
24 ter 700;

25 “(7) Board of Electrologists and Body Art Practitioners, as provided in
26 ORS 690.350 to 690.410;

27 “(8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to
28 694.170;

29 “(9) Sexual Offense Treatment Board, as provided in ORS 675.365 to
30 675.410;

1 “(10) Long Term Care Administrators Board, as provided in ORS 678.710
2 to 678.820;

3 “(11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;

4 “(12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;

5 “(13) Board of Certified Advanced Estheticians, as provided in ORS
6 676.630 to 676.660;

7 “(14) Art therapy, as provided in ORS 681.740 to 681.758;

8 “(15) Lactation consultation, as provided in ORS 676.665 to 676.689;

9 [*and*]

10 “(16) Music therapy, as provided in ORS 681.700 to 681.730[.]; **and**

11 **“(17) State Board of Sign Language Interpreters, as provided in**
12 **sections 1 to 14 of this 2021 Act.**

13 **“SECTION 16.** ORS 676.579 is amended to read:

14 “676.579. (1)(a) The Health Licensing Office is under the supervision and
15 control of a director, who is responsible for the performance of the duties,
16 functions and powers and for the organization of the office.

17 “(b) The Director of the Oregon Health Authority shall establish the
18 qualifications for and appoint the Director of the Health Licensing Office,
19 who holds office at the pleasure of the Director of the Oregon Health Au-
20 thority.

21 “(c) The Director of the Health Licensing Office shall receive a salary as
22 provided by law or, if not so provided, as prescribed by the Director of the
23 Oregon Health Authority.

24 “(d) The Director of the Health Licensing Office is in the unclassified
25 service.

26 “(2) The Director of the Health Licensing Office shall provide the boards,
27 councils and programs administered by the office with any services and em-
28 ployees as the office requires to carry out the office’s duties. Subject to any
29 applicable provisions of the State Personnel Relations Law, the Director of
30 the Health Licensing Office shall appoint all subordinate officers and em-

1 ployees of the office, prescribe their duties and fix their compensation.

2 “(3) The Director of the Health Licensing Office is responsible for carry-
3 ing out the duties, functions and powers under ORS 675.365 to 675.410,
4 676.560 to 676.625, 676.665 to 676.689, 676.810, 676.815, 676.825, 676.992, 678.710
5 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to
6 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225,
7 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter
8 **700 and sections 1 to 14 of this 2021 Act.**

9 “(4) The enumeration of duties, functions and powers in subsection (3) of
10 this section is not intended to be exclusive or to limit the duties, functions
11 and powers imposed on or vested in the office by other statutes.

12 **“SECTION 17.** ORS 676.590 is amended to read:

13 “676.590. (1) Information obtained by the Health Licensing Office as part
14 of an investigation conducted under the following laws and any reports is-
15 sued by an investigator are exempt from public disclosure:

16 “(a) ORS 676.630 to 676.660, 676.665 to 676.689, 681.700 to 681.730, 681.740
17 to 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170.

18 “(b) ORS 676.560 to 676.625 if the investigation is related to the regulation
19 of:

20 “(A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

21 “(B) Lactation consultation under ORS 676.665 to 676.689;

22 “(C) Music therapy under ORS 681.700 to 681.730;

23 “(D) Art therapy under ORS 681.740 to 681.758;

24 “(E) Barbering, hair design, esthetics, nail technology or natural hair
25 care under ORS 690.005 to 690.225;

26 “(F) Electrologists and body art practitioners under ORS 690.350 to
27 690.410; [or]

28 “(G) Dealing in hearing aids under ORS 694.015 to 694.170[.]; **or**

29 **“(H) Sign language interpretation under sections 1 to 14 of this 2021**
30 **Act.**

1 “(2) The office shall disclose information obtained as part of an investi-
2 gation described in subsection (1) of this section to a person who demon-
3 strates by clear and convincing evidence that the public interest in
4 disclosure outweighs other interests in nondisclosure, including the public
5 interest in nondisclosure.

6 “(3) A complaint that forms the basis for an investigation described in
7 subsection (1) of this section shall not be considered information obtained
8 as part of an investigation and is not exempt from public disclosure.

9 “(4) Upon request, the office shall disclose to a person against whom
10 disciplinary action is sought any information obtained as part of an investi-
11 gation described in section (1) of this section, if the information is not oth-
12 erwise privileged or confidential under state or federal law.

13 **“SECTION 18.** ORS 676.612 is amended to read:

14 “676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner pre-
15 scribed in ORS chapter 183 for contested cases and as specified in ORS
16 675.385, 676.685, 676.825, 678.780, 680.535, 681.733, 681.755, 687.445, 688.734,
17 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111 **and section 10 of this**
18 **2021 Act**, the Health Licensing Office may refuse to issue or renew, may
19 suspend or revoke or may otherwise condition or limit an authorization or
20 may discipline or place on probation an authorization holder for commission
21 of the prohibited acts listed in subsection (2) of this section.

22 “(2) A person subject to the authority of a board, council or program
23 listed in ORS 676.565 commits a prohibited act if the person engages in:

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

28 “(b) Using, causing or promoting the use of any advertising matter, pro-
29 motional literature, testimonial, guarantee, warranty, label, insignia or any
30 other representation, however disseminated or published, that is false, mis-

1 leading or deceptive.

2 “(c) Making a representation that the authorization holder knew or
3 should have known is false or misleading regarding skill or the efficacy or
4 value of treatment or remedy administered by the authorization holder.

5 “(d) Practicing under a false, misleading or deceptive name, or
6 impersonating another authorization holder.

7 “(e) Permitting a person other than the authorization holder to use the
8 authorization.

9 “(f) Practicing with a physical or mental condition that presents an un-
10 reasonable risk of harm to the authorization holder or to the person or
11 property of others in the course of performing the authorization holder’s
12 duties.

13 “(g) Practicing while under the influence of alcohol, cannabis, controlled
14 substances or other skill-impairing substances, or engaging in the illegal use
15 of controlled substances or other skill-impairing substances so as to create
16 a risk of harm to the person or property of others in the course of performing
17 the duties of an authorization holder.

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

20 “(i) Employing, directly or indirectly, any suspended, uncertified, unli-
21 censed or unregistered person to practice a regulated occupation or profes-
22 sion subject to the authority of the boards, councils and programs listed in
23 ORS 676.565.

24 “(j) Unprofessional conduct, negligence, incompetence, repeated violations
25 or any departure from or failure to conform to standards of practice in per-
26 forming services or practicing in a regulated occupation or profession subject
27 to the authority of the boards, councils and programs listed under ORS
28 676.565.

29 “(k) Conviction of any criminal offense, subject to ORS 670.280. A copy
30 of the record of conviction, certified by the clerk of the court entering the

1 conviction, is conclusive evidence of the conviction. A plea of no contest or
2 an admission of guilt is a conviction for purposes of this paragraph.

3 “(L) Failing to report any adverse action, as required by statute or rule,
4 taken against the authorization holder by another regulatory jurisdiction or
5 any peer review body, health care institution, professional association, gov-
6 ernmental agency, law enforcement agency or court for acts or conduct
7 similar to acts or conduct that would constitute grounds for disciplinary
8 action as described in this section.

9 “(m) Violation of a statute regulating an occupation or profession subject
10 to the authority of the boards, councils and programs listed in ORS 676.565.

11 “(n) Violation of any rule regulating an occupation or profession subject
12 to the authority of the boards, councils and programs listed in ORS 676.565.

13 “(o) Failing to cooperate with the office in any investigation, inspection
14 or request for information.

15 “(p) Selling or fraudulently obtaining or furnishing an authorization to
16 practice in a regulated occupation or profession subject to the authority of
17 the boards, councils and programs listed in ORS 676.565, or aiding or
18 abetting such an act.

19 “(q) Selling or fraudulently obtaining or furnishing any record related to
20 practice in a regulated occupation or profession subject to the authority of
21 the boards, councils and programs listed in ORS 676.565, or aiding or
22 abetting such an act.

23 “(r) Failing to pay an outstanding civil penalty or fee that is due or
24 failing to meet the terms of any order issued by the office that has become
25 final.

26 “(3) For the purpose of requesting a state or nationwide criminal records
27 check under ORS 181A.195, the office may require the fingerprints of a per-
28 son who is:

29 “(a) Applying for an authorization;

30 “(b) Applying for renewal of an authorization; or

1 “(c) Under investigation by the office.

2 “(4) If the office places an authorization holder on probation under sub-
3 section (1) of this section, the office, in consultation with the appropriate
4 board, council or program, may determine and at any time modify the con-
5 ditions of the probation.

6 “(5) If an authorization is suspended, the authorization holder may not
7 practice during the term of suspension. Upon the expiration of the term of
8 suspension, the authorization may be reinstated by the office if the condi-
9 tions of suspension no longer exist and the authorization holder has satisfied
10 all requirements in the relevant statutes or administrative rules for issuance,
11 renewal or reinstatement.

12 **“SECTION 19.** ORS 676.613 is amended to read:

13 “676.613. (1) In addition to all other remedies, when it appears to the
14 Health Licensing Office that a person is engaged in, has engaged in or is
15 about to engage in any act, practice or transaction that violates any pro-
16 vision of ORS 675.365 to 675.410, 676.665 to 676.689, 676.810, 676.815, 678.710
17 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to
18 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to
19 690.410, 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or**
20 **sections 1 to 14 of this 2021 Act**, the office may, through the Attorney
21 General or the district attorney of the county in which the act, practice or
22 transaction occurs or will occur, apply to the court for an injunction re-
23 straining the person from the act, practice or transaction.

24 “(2) A court may issue an injunction under this section without proof of
25 actual damages. An injunction issued under this section does not relieve a
26 person from any other prosecution or enforcement action taken for violation
27 of statutes listed in subsection (1) of this section.

28 **“SECTION 20.** ORS 676.622 is amended to read:

29 “676.622. (1) A transaction conducted through a state or local system or
30 network that provides electronic access to the Health Licensing Office in-

1 formation and services is exempt from any requirement under ORS 675.365
2 to 675.410, 676.560 to 676.625, 676.665 to 676.689, 676.810, 676.815, 676.992,
3 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495,
4 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
5 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and sections**
6 **1 to 14 of this 2021 Act**, and rules adopted thereunder, requiring an original
7 signature or the submission of handwritten materials.

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

10 **“SECTION 21.** ORS 676.992 is amended to read:

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

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

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

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

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

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

23 “(f) ORS 694.015 to 694.170 (dealing in hearing aids);

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

25 “(h) ORS chapter 700 (environmental sanitation);

26 “(i) ORS 675.365 to 675.410 (sexual abuse specific treatment);

27 “(j) ORS 678.710 to 678.820 (nursing home administrators and residential
28 care facility administrators);

29 “(k) ORS 691.405 to 691.485 (dietitians);

30 “(L) ORS 676.612 (prohibited acts);

1 “(m) ORS 676.810 and 676.815 (applied behavior analysis);
2 “(n) ORS 681.700 to 681.730 (music therapy);
3 “(o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
4 “(p) ORS 681.740 to 681.758 (art therapy); [and]
5 “(q) ORS 676.665 to 676.689 (lactation consultation)[.]; **and**
6 **“(r) Sections 1 to 14 of this 2021 Act (sign language interpretation).**
7 “(2) The office may take any other disciplinary action that it finds proper,
8 including but not limited to assessment of costs of disciplinary proceedings,
9 not to exceed \$5,000, for violation of any statute listed in subsection (1) of
10 this section or any rule adopted under any statute listed in subsection (1)
11 of this section.
12 “(3) Subsection (1) of this section does not limit the amount of the civil
13 penalty resulting from a violation of ORS 694.042.
14 “(4) In imposing a civil penalty under this section, the office shall con-
15 sider the following factors:
16 “(a) The immediacy and extent to which the violation threatens the public
17 health or safety;
18 “(b) Any prior violations of statutes, rules or orders;
19 “(c) The history of the person incurring a penalty in taking all feasible
20 steps to correct any violation; and
21 “(d) Any other aggravating or mitigating factors.
22 “(5) Civil penalties under this section shall be imposed as provided in
23 ORS 183.745.
24 “(6) The moneys received by the office from civil penalties under this
25 section shall be deposited in the Health Licensing Office Account and are
26 continuously appropriated to the office for the administration and enforce-
27 ment of the laws the office is charged with administering and enforcing that
28 govern the person against whom the penalty was imposed.
29 **“SECTION 22. (1) Notwithstanding the term of office specified by**
30 **section 11 of this 2021 Act, of the members first appointed to the State**

1 **Board of Sign Language Interpreters:**

2 **“(a) Two shall serve for a term ending December 31, 2022.**

3 **“(b) Two shall serve for a term ending December 31, 2023.**

4 **“(c) Three shall serve for a term ending December 31, 2024.**

5 **“(2) The members who are required to hold a license under sections**
6 **1 to 14 of this 2021 Act shall obtain a license not later than January**
7 **31, 2022.**

8 **“SECTION 23. Notwithstanding sections 3 and 4 of this 2021 Act, a**
9 **licensed sign language interpreter may supervise a licensed provisional**
10 **sign language interpreter.**

11 **“SECTION 24. Section 23 of this 2021 Act is repealed on July 1, 2028.**

12 **“SECTION 25. (1) Sections 1 to 14 of this 2021 Act and the amend-**
13 **ments to 676.565, 676.579, 676.590, 676.612, 676.613, 676.622 and 676.992 by**
14 **sections 15 to 21 of this 2021 Act become operative on January 1, 2022.**

15 **“(2) The Governor, the Oregon Health Authority, the Health Li-**
16 **censing Office and the Department of Education may take any action**
17 **before the operative date specified in subsection (1) of this section that**
18 **is necessary to enable the Governor, the authority, the office and the**
19 **department to exercise, on and after the operative date specified in**
20 **subsection (1) of this section, all of the duties, functions and powers**
21 **conferred on the Governor, the authority, the office and the depart-**
22 **ment by sections 1 to 14 of this 2021 Act and the amendments to**
23 **676.565, 676.579, 676.590, 676.612, 676.613, 676.622 and 676.992 by sections**
24 **15 to 21 of this 2021 Act.**

25 **“SECTION 26. This 2021 Act takes effect on the 91st day after the**
26 **date on which the 2021 regular session of the Eighty-first Legislative**
27 **Assembly adjourns sine die.”.**

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