

DRAFT

SUMMARY

Digest: The Act tells health insurance to pay for some cancer exams and devices that people with diabetes use. The Act makes the Health Licensing Office register dental laboratories. It says what “dental laboratory” means. The Act tells the Oregon Health Authority to help pay for nursing education programs and the behavioral health workforce. The Act makes a project at OHA to buy a lot of things to help with substance use in the state. The Act is effective 91 days after adjournment sine die. (Flesch Readability Score: 60.6).

Prohibits cost-sharing on certain health insurance coverage of cervical cancer examinations.

Requires medical assistance to include continuous glucose monitor for specified recipients of medical assistance. Defines “continuous glucose monitor.”

Requires a dental laboratory to register with the Health Licensing Office. Defines “dental laboratory.” Requires a dental laboratory to provide a material content disclosure to a dentist who prescribes a work order for a dental prosthetic appliance or other artificial material or device. Defines “material content disclosure.” Allows the office to impose discipline for certain violations. Directs the office to provide administrative and regulatory oversight to the dental laboratory program.

Requires the Oregon Health Authority to provide grants to the Oregon Center for Nursing to work with Oregon’s nursing education programs to develop programs to recruit and retain nurse educators at public and private institutions of higher education.

Requires the authority to enter into an agreement with the Mental Health and Addiction Certification Board of Oregon to increase the behavioral health workforce in this state.

Establishes the Harm Reduction Clearinghouse Project within the authority to make bulk purchases of harm reduction supplies.

Takes effect on the 91st day following adjournment sine die.

1 Relating to health care; creating new provisions; amending ORS 413.115,
2 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010, 679.176
3 and 743B.005; repealing ORS 679.530; and prescribing an effective date.

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

5
6 **INSURANCE COVERAGE**

7
8 **SECTION 1.** Section 2 of this 2024 Act is added to and made a part
9 of the Insurance Code.

10 **SECTION 2.** (1) As used in this section:

11 (a)(A) “Cervical cancer examination” means, for the purpose of de-
12 tecting the presence of cervical cancer or precancerous lesions, a vi-
13 sualization of the uterine cervix using both the naked eye and a
14 magnifying scope and the sampling of the cervical tissue by biopsy or
15 excision.

16 (B) “Cervical cancer examination” includes follow-up examinations.

17 (b) “Follow-up examination” means additional cervical cancer ex-
18 aminations, performed at approximately six months and 12 months
19 after a cervical cancer examination, to screen for abnormalities in the
20 uterine cervix or cervical tissue.

21 (2) Except as provided in ORS 742.008, a carrier offering a group
22 health benefit plan or an individual health benefit in this state that
23 reimburses the cost of cervical cancer examinations may not impose
24 on the coverage of a medically necessary cervical cancer examination:

25 (a) A deductible;

26 (b) Coinsurance;

27 (c) A copayment; or

28 (d) Other out-of-pocket expenses.

29 **SECTION 3.** ORS 743B.005 is amended to read:

30 743B.005. For purposes of ORS 743.004, 743.007, 743.022, 743.416, 743.417,
31 743.535, 743A.101, 743B.003 to 743B.127, 743B.109, 743B.128, 743B.250 and

743B.323 and section 2 of this 2024 Act:

(1) “Actuarial certification” means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Director of the Department of Consumer and Business Services that a carrier is in compliance with the provisions of ORS 743B.012 based upon the person’s examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the carrier in establishing premium rates for small employer health benefit plans.

(2) “Affiliate” of, or person “affiliated” with, a specified person means any carrier who, directly or indirectly through one or more intermediaries, controls or is controlled by or is under common control with a specified person. For purposes of this definition, “control” has the meaning given that term in ORS 732.548.

(3) “Affiliation period” means, under the terms of a group health benefit plan issued by a health care service contractor, a period:

(a) That is applied uniformly and without regard to any health status related factors to an enrollee or late enrollee;

(b) That must expire before any coverage becomes effective under the plan for the enrollee or late enrollee;

(c) During which no premium shall be charged to the enrollee or late enrollee; and

(d) That begins on the enrollee’s or late enrollee’s first date of eligibility for coverage and runs concurrently with any eligibility waiting period under the plan.

(4) “Bona fide association” means an association that:

(a) Has been in active existence for at least five years;

(b) Has been formed and maintained in good faith for purposes other than obtaining insurance;

(c) Does not condition membership in the association on any factor relating to the health status of an individual or the individual’s dependent or employee;

(d) Makes health insurance coverage that is offered through the association available to all members of the association regardless of the health status of the member or individuals who are eligible for coverage through the member;

(e) Does not make health insurance coverage that is offered through the association available other than in connection with a member of the association;

(f) Has a constitution and bylaws; and

(g) Is not owned or controlled by a carrier, producer or affiliate of a carrier or producer.

(5) "Carrier" means any person who provides health benefit plans in this state, including:

(a) A licensed insurance company;

(b) A health care service contractor;

(c) A health maintenance organization;

(d) An association or group of employers that provides benefits by means of a multiple employer welfare arrangement and that:

(A) Is subject to ORS 750.301 to 750.341; or

(B) Is fully insured and otherwise exempt under ORS 750.303 (4) but elects to be governed by ORS 743B.010 to 743B.013; or

(e) Any other person or corporation responsible for the payment of benefits or provision of services.

(6) "Dependent" means the spouse or child of an eligible employee, subject to applicable terms of the health benefit plan covering the employee.

(7) "Eligible employee" means an employee who is eligible for coverage under a group health benefit plan.

(8) "Employee" means any individual employed by an employer.

(9) "Enrollee" means an employee, dependent of the employee or an individual otherwise eligible for a group or individual health benefit plan who has enrolled for coverage under the terms of the plan.

(10) "Exchange" means the health insurance exchange as defined in ORS

741.300.

(11) “Exclusion period” means a period during which specified treatments or services are excluded from coverage.

(12) “Financial impairment” means that a carrier is not insolvent and is:

(a) Considered by the director to be potentially unable to fulfill its contractual obligations; or

(b) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(13)(a) “Geographic average rate” means the arithmetical average of the lowest premium and the corresponding highest premium to be charged by a carrier in a geographic area established by the director for the carrier’s:

(A) Group health benefit plans offered to small employers; or

(B) Individual health benefit plans.

(b) “Geographic average rate” does not include premium differences that are due to differences in benefit design, age, tobacco use or family composition.

(14) “Grandfathered health plan” has the meaning prescribed by rule by the United States Secretaries of Labor, Health and Human Services and the Treasury pursuant to 42 U.S.C. 18011(e) that is in effect on January 1, 2017.

(15) “Group eligibility waiting period” means, with respect to a group health benefit plan, the period of employment or membership with the group that a prospective enrollee must complete before plan coverage begins.

(16)(a) “Health benefit plan” means any:

(A) Hospital expense, medical expense or hospital or medical expense policy or certificate;

(B) Subscriber contract of a health care service contractor as defined in ORS 750.005; or

(C) Plan provided by a multiple employer welfare arrangement or by another benefit arrangement defined in the federal Employee Retirement Income Security Act of 1974, as amended, to the extent that the plan is subject to state regulation.

(b) “Health benefit plan” does not include:

(A) Coverage for accident only, specific disease or condition only, credit or disability income;

(B) Coverage of Medicare services pursuant to contracts with the federal government;

(C) Medicare supplement insurance policies;

(D) Coverage of TRICARE services pursuant to contracts with the federal government;

(E) Benefits delivered through a flexible spending arrangement established pursuant to section 125 of the Internal Revenue Code of 1986, as amended, when the benefits are provided in addition to a group health benefit plan;

(F) Separately offered long term care insurance, including, but not limited to, coverage of nursing home care, home health care and community-based care;

(G) Independent, noncoordinated, hospital-only indemnity insurance or other fixed indemnity insurance;

(H) Short term health insurance policies;

(I) Dental only coverage;

(J) Vision only coverage;

(K) Stop-loss coverage that meets the requirements of ORS 742.065;

(L) Coverage issued as a supplement to liability insurance;

(M) Insurance arising out of a workers’ compensation or similar law;

(N) Automobile medical payment insurance or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; or

(O) Any employee welfare benefit plan that is exempt from state regulation because of the federal Employee Retirement Income Security Act of 1974, as amended.

(17) “Individual health benefit plan” means a health benefit plan:

(a) That is issued to an individual policyholder; or

(b) That provides individual coverage through a trust, association or similar group, regardless of the situs of the policy or contract.

(18) “Initial enrollment period” means a period of at least 30 days following commencement of the first eligibility period for an individual.

(19) “Late enrollee” means an individual who enrolls in a group health benefit plan subsequent to the initial enrollment period during which the individual was eligible for coverage but declined to enroll. However, an eligible individual shall not be considered a late enrollee if:

(a) The individual qualifies for a special enrollment period in accordance with 42 U.S.C. 300gg or as prescribed by rule by the Department of Consumer and Business Services;

(b) The individual applies for coverage during an open enrollment period;

(c) A court issues an order that coverage be provided for a spouse or minor child under an employee’s employer sponsored health benefit plan and request for enrollment is made within 30 days after issuance of the court order;

(d) The individual is employed by an employer that offers multiple health benefit plans and the individual elects a different health benefit plan during an open enrollment period; or

(e) The individual’s coverage under Medicaid, Medicare, TRICARE, Indian Health Service or a publicly sponsored or subsidized health plan, including, but not limited to, the medical assistance program under ORS chapter 414, has been involuntarily terminated within 63 days after applying for coverage in a group health benefit plan.

(20) “Multiple employer welfare arrangement” means a multiple employer welfare arrangement as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. 1002, that is subject to ORS 750.301 to 750.341.

(21) “Preexisting condition exclusion” means a limitation or exclusion of benefits or a denial of coverage based on a medical condition being present

before the effective date of coverage or before the date coverage is denied, whether or not any medical advice, diagnosis, care or treatment was recommended or received for the condition before the date of coverage or denial of coverage.

(22) “Premium” includes insurance premiums or other fees charged for a health benefit plan, including the costs of benefits paid or reimbursements made to or on behalf of enrollees covered by the plan.

(23) “Rating period” means the 12-month calendar period for which premium rates established by a carrier are in effect, as determined by the carrier.

(24) “Representative” does not include an insurance producer or an employee or authorized representative of an insurance producer or carrier.

(25)(a) “Short term health insurance policy” means a policy of health insurance that is in effect for a period of three months or less, including the term of a renewal of the policy.

(b) As used in this subsection, “term of a renewal” includes the term of a new short term health insurance policy issued by an insurer to a policyholder no later than 60 days after the expiration of a short term health insurance policy issued by the insurer to the policyholder.

(26) “Small employer” means an employer who employed an average of at least one but not more than 50 full-time equivalent employees on business days during the preceding calendar year and who employs at least one full-time equivalent employee on the first day of the plan year, determined in accordance with a methodology prescribed by the Department of Consumer and Business Services by rule.

SECTION 4. Section 2 of this 2024 Act applies to policies or certificates of insurance issued, renewed or extended on or after the effective date of this 2024 Act.

SECTION 5. Section 6 of this 2024 Act is added to and made a part of ORS chapter 414.

SECTION 6. (1) As used in this section, “continuous glucose moni-

tor” means:

(a) An instrument or device that is designed and offered for the purpose of measuring glucose levels at set intervals by means of a small electrode placed under the skin and held in place by an adhesive; and

(b) Any repair or replacement parts for the instrument or device.

(2) Notwithstanding ORS 414.065 or 414.690, medical assistance shall include a continuous glucose monitor prescribed for a recipient of medical assistance if the recipient:

(a)(A) Is diagnosed with any type of diabetes that requires the use of insulin;

(B) Has evidence of level two or three hypoglycemia; or

(C) Is diagnosed with glycogen storage disease type 1a; and

(b) At least once every six months attends a visit with a health care provider in order to assess the benefits of the recipient’s use of the continuous glucose monitor.

SECTION 7. Section 6 of this 2024 Act applies to prescriptions issued on or after the effective date of this 2024 Act.

DENTAL LABORATORY REGISTRATION

SECTION 8. As used in sections 8 to 12 of this 2024 Act:

(1) “Certified dental laboratory technician” means a dental laboratory technician who is certified by the National Board for Certification in Dental Laboratory Technology, or its successor organization, as approved by the Health Licensing Office by rule.

(2) “Dental laboratory” means a facility where one or more dental laboratory technicians make, provide, repair or alter dental prosthetic appliances and other artificial materials and devices that are returned to a dentist and inserted into the human oral cavity, or that come into contact with the human oral cavity’s adjacent structures and tissues,

1 of a dental patient.

2 (3) “Dental laboratory technician” means a person who, pursuant
3 to a dentist’s prescribed work order, makes, provides, repairs or alters
4 dental prosthetic appliances and other artificial materials and devices
5 that are returned to the dentist and inserted into the human oral
6 cavity, or that come into contact with the human oral cavity’s adja-
7 cent structures and tissues, of the dentist’s patient.

8 (4) “Dentist” means a dentist licensed under ORS chapter 679.

9 (5) “Material content disclosure” means a notice provided to a
10 dentist by a dental laboratory that includes:

11 (a) The name, physical address and registration number of the
12 dental laboratory;

13 (b) The city, state and country of origin where the technological
14 work under the work order was performed in whole or in part;

15 (c) The city, state and country of the dental laboratory or dental
16 laboratories that manufactured or repaired, directly or indirectly, the
17 dental prosthetic appliances or other artificial materials and devices
18 ordered under the work order; and

19 (d) So that the dentist may include the information in the patient’s
20 record, the manufacturer and brand name or the United States Food
21 and Drug Administration registration number of all patient contact
22 materials used in a dental prosthetic appliance or other artificial ma-
23 terial or device that is inserted into the human oral cavity, or that
24 comes into contact with the human oral cavity’s adjacent structures
25 and tissues, of the dentist’s patient.

26 (6) “Responsible person” means the person who:

27 (a) Controls a majority interest in a dental laboratory; or

28 (b) Is primarily responsible for the supervision of the day-to-day
29 operations of the dental laboratory.

30 (7) “Work order” means a written instrument prescribed by a den-
31 tist that directs a dental laboratory to, for an individual patient,

1 make, provide, repair or alter one or more dental prosthetic appliances
2 or other artificial materials or devices that will be returned to the
3 dentist and inserted into the human oral cavity, or that will come into
4 contact with the human oral cavity's adjacent structures and tissues,
5 of the dentist's patient.

6 **SECTION 9.** (1) A dental laboratory may not operate or do business
7 in this state unless the dental laboratory holds an active registration
8 issued by the Health Licensing Office under section 10 of this 2024 Act.

9 (2) A dental laboratory is considered to operate or do business in
10 this state if the dental laboratory is physically located within this state
11 or prepares work product pursuant to a work order that originated
12 from a dentist licensed in this state.

13 (3)(a) Subsection (1) of this section does not apply to a dental lab-
14 oratory that:

15 (A) Is in a dental office;

16 (B) Is owned and operated by and under the supervision of a prac-
17 ticing dentist; and

18 (C) Does not perform work pursuant to work orders that originate
19 from outside of the dentist's practice.

20 (b) A dental laboratory described in paragraph (a) of this subsection
21 shall annually file with the office:

22 (A) The address of the dental laboratory; and

23 (B) The name, license number and contact information of the den-
24 tist described in paragraph (a) of this subsection.

25 (4) A dental laboratory operated as part of an educational program
26 is not required to register under section 10 of this 2024 Act if the dental
27 laboratory is operated solely for the purpose of allowing students to
28 perform duties that are part of a supervised course of study in an ed-
29 ucational program that meets any of the accreditation standards de-
30 scribed in ORS chapter 679.

31 **SECTION 10.** (1) The Health Licensing Office shall issue a dental

laboratory registration to an applicant that submits a completed application and pays the fee established under ORS 676.576. The application must include:

(a) The name, mailing address, phone number and electronic mail address of the dental laboratory;

(b) The physical address of the dental laboratory if different than the mailing address;

(c) The name, mailing address, phone number and electronic mail address of the responsible person or the name and license number of the dentist who supervises the dental laboratory;

(d) A statement that the dental laboratory meets the infectious disease control requirements of the federal Occupational Safety and Health Administration and the Centers for Disease Control and Prevention; and

(e) An acknowledgement by the responsible person or the dentist supervising the dental laboratory that the dental laboratory will comply with the requirements of section 11 of this 2024 Act.

(2) To be eligible for registration under this section, the applicant must include with the application documentation that the applicant, or an employee of the applicant who works at least 30 hours per week in the dental laboratory:

(a) Has successfully completed, during the 12 months immediately preceding the application for registration, at least 12 hours of continuing education in dental laboratory technology approved or accepted by the National Board for Certification in Dental Laboratory Technology, or its successor organization, and by the Health Licensing Office;

(b) Is a certified dental laboratory technician in good standing; or

(c) Is a dentist.

(3) The office shall assign a registration number to each registered dental laboratory. The dental laboratory shall include the dental lab-

1 oratory registration number on all invoices and other correspondence
2 of the dental laboratory.

3 (4) A dental laboratory registered under this section shall maintain
4 a qualified employee as described in subsection (2) of this section.

5 (5) A dental laboratory registration is valid for one year. To renew
6 a dental laboratory registration, the dental laboratory shall, prior to
7 July 31 of each year, submit to the office an application for renewal
8 and pay the applicable fee.

9 (6) The office may adopt rules to carry out this section.

10 SECTION 11. (1) A dental laboratory registered under section 10 of
11 this 2024 Act shall provide to a prescribing dentist who submits a work
12 order to the dental laboratory:

13 (a) A material content disclosure for each dental prosthetic appli-
14 ance or other artificial material or device in a manner that is easily
15 entered into the patient record; and

16 (b) The point of origin of the manufacture of each dental prosthetic
17 appliance or other artificial material or device ordered under the work
18 order.

19 (2) If a dental prosthetic appliance or other artificial material or
20 device ordered under the work order was partially or entirely manu-
21 factured by one or more third parties, the point of origin disclosure
22 described in subsection (1) of this section must identify:

23 (a) The portion of the dental prosthetic appliance or other artificial
24 material or device that was manufactured by the third party; and

25 (b) The city, state and country of each third party.

26 SECTION 12. In the manner prescribed in ORS chapter 183 for
27 contested cases, the Health Licensing Office may impose a form of
28 discipline listed in ORS 676.612 against a dental laboratory registered
29 under section 10 of this 2024 Act for any violation of sections 8 to 12
30 of this 2024 Act and for any violation of a rule adopted under sections
31 8 to 12 of this 2024 Act.

SECTION 13. Violation of section 9 of this 2024 Act is a Class B violation.

SECTION 14. The Health Licensing Office may adopt rules to carry out sections 8 to 12 of this 2024 Act.

SECTION 15. Section 10 of this 2024 Act is amended to read:

Sec. 10. (1) The Health Licensing Office shall issue a dental laboratory registration to an applicant that submits a completed application and pays the fee established under ORS 676.576. The application must include:

(a) The name, mailing address, phone number and electronic mail address of the dental laboratory;

(b) The physical address of the dental laboratory if different than the mailing address;

(c) The name, mailing address, phone number and electronic mail address of the responsible person or the name and license number of the dentist who supervises the dental laboratory;

(d) A statement that the dental laboratory meets the infectious disease control requirements of the federal Occupational Safety and Health Administration and the Centers for Disease Control and Prevention; and

(e) An acknowledgement by the responsible person or the dentist supervising the dental laboratory that the dental laboratory will comply with the requirements of section 11 of this 2024 Act.

[(2) To be eligible for registration under this section, the applicant must include with the application documentation that the applicant, or an employee of the applicant who works at least 30 hours per week in the dental laboratory:]

[(a) Has successfully completed, during the 12 months immediately preceding the application for registration, at least 12 hours of continuing education in dental laboratory technology approved or accepted by the National Board for Certification in Dental Laboratory Technology, or its successor organization, and by the Health Licensing Office;]

[(b) Is a certified dental laboratory technician in good standing; or]

1 [(c) *Is a dentist.*]

2 **(2)(a) To be eligible for registration under this section, the applicant**
3 **must include with the application documentation that the dental lab-**
4 **oratory:**

5 **(A) Employs a certified dental laboratory technician in good stand-**
6 **ing with the National Board for Certification in Dental Laboratory**
7 **Technology, or its successor organization, and approved by the Health**
8 **Licensing Office by rule and who works at least 30 hours per week in**
9 **the dental laboratory; or**

10 **(B) Is operated under the supervision of a dentist who works at**
11 **least 30 hours per week in the dental laboratory.**

12 **(b) Paragraph (a) of this subsection does not apply to a dental lab-**
13 **oratory that provides to the office documentation that the dental lab-**
14 **oratory has been continuously owned and operated by the same**
15 **individual since January 1, 2013.**

16 (3) The office shall assign a registration number to each registered dental
17 laboratory. The dental laboratory shall include the dental laboratory regis-
18 tration number on all invoices and other correspondence of the dental labo-
19 ratory.

20 (4) A dental laboratory registered under this section shall maintain a
21 qualified employee as described in subsection (2) of this section.

22 (5) A dental laboratory registration is valid for one year. To renew a
23 dental laboratory registration, the dental laboratory shall, prior to July 31
24 of each year, submit to the office an application for renewal and pay the
25 applicable fee.

26 (6) The office may adopt rules to carry out this section.

27 **SECTION 16.** ORS 679.176 is amended to read:

28 **679.176. (1) As used in this section:**

29 **(a) “Sub-work order” means a written instrument by which a dental**
30 **laboratory registered under section 10 of this 2024 Act subcontracts all**
31 **or part of the work directed to be done by a work order prescribed by**

a dentist licensed under ORS chapter 679.

(b) “Work order” has the meaning given that term in section 8 of this 2024 Act.

[(1)] (2) [No] **A dentist may not use the services of any person[,] who is not licensed to practice dentistry in this state[, to construct, alter, repair, reline, reproduce or duplicate any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth,] to make, provide, repair or alter dental prosthetic appliances or other artificial materials or devices that are returned to a dentist and inserted into the human oral cavity, or that come into contact with the human oral cavity’s adjacent structures and tissues, unless the dentist first [furnishes to such] provides to the person a [written] work order, in substantially the following form:**

(Date) _____, 2____

TO: (Name of dental [*technician or*] laboratory with address) **(Dental laboratory registration number)**

RE: (Name or number of patient)

(Description of the work to be done, including diagrams if necessary, together with specifications of the type of materials to be used.)

(Name of ordering dentist)

(Address) _____

(Current license number) _____

(3) A person that receives a work order prescribed by a dentist under subsection (1) of this section may not engage as a subcontractor another person that is not authorized to perform the services necessary to complete the work order unless the person that receives the work order first provides to the subcontractor a sub-work order in substantially the following form:

(Date) _____, 2____

TO: (Name of subcontracted dental laboratory with address) (Subcontracted dental laboratory registration number, if applicable)

RE: (Name or number of patient)
(Description of the work to be done, including diagrams if necessary, together with specifications of the type of materials to be used.)

(Name of ordering dental laboratory)
(Address) _____
(Current dental laboratory registration number) _____

[(2)] (4)(a) [A duplicate copy of each such work order issued by the dentist shall be retained by each dentist for not less than two years. The Oregon Board of Dentistry or its agents shall be permitted to inspect, upon demand, the duplicate copies of all such work orders retained by each dentist.] A dentist shall retain for at least two years from the date of prescription a duplicate copy of each work order prescribed by the dentist.

(b) A person described in subsection (3) of this section shall attach a duplicate copy of each sub-work order issued by the person to a duplicate copy of the associated work order and shall retain the duplicate copies for at least two years from the date of issuance.

(c) The Oregon Board of Dentistry, or an agent of the board, may inspect, upon demand, the duplicate copies of all work orders and sub-work orders retained pursuant to this subsection.

(5) A work order or sub-work order may be transmitted or retained in an electronic format.

[(3)] (6) [No] A work order [shall] may not permit or require the taking of impressions of any part of the human oral cavity by any person [not a dentist licensed by the board] who is not a dentist licensed under ORS chapter 679.

SECTION 17. ORS 676.565 is amended to read:

676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and regulatory oversight and centralized service for the following boards, councils and programs:

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

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

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

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

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

(6) Environmental Health Registration Board, as provided in ORS chapter 700;

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

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

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

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

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

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

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

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

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

(16) Music therapy, as provided in ORS 681.700 to 681.730;

(17) Genetic counseling, as provided in ORS 676.730 to 676.748;

(18) State Board of Sign Language Interpreters, as provided in ORS

676.750 to 676.789; *[and]*

(19) Temporary staffing agencies, as provided in ORS 676.695 to 676.725[.]
; **and**

(20) Dental laboratories, as provided in sections 8 to 12 of this 2024 Act.

SECTION 18. ORS 676.579 is amended to read:

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

(b) The Director of the Oregon Health Authority shall establish the qualifications for and appoint the Director of the Health Licensing Office, who holds office at the pleasure of the Director of the Oregon Health Authority.

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

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

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

(3) The Director of the Health Licensing Office is responsible for carrying out the duties, functions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689, 676.695 to 676.725, 676.730 to 676.748, 676.750 to 676.789, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and**

sections 8 to 12 of this 2024 Act.

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

SECTION 19. ORS 676.590 is amended to read:

676.590. (1) Information obtained by the Health Licensing Office as part of an investigation conducted under the following laws and any reports issued by an investigator are exempt from public disclosure:

(a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.695 to 676.725, 676.730 to 676.748, 676.750 to 676.789, 681.700 to 681.730, 681.740 to 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 **and sections 8 to 12 of this 2024 Act.**

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

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

(B) Lactation consultation under ORS 676.665 to 676.689;

(C) Music therapy under ORS 681.700 to 681.730;

(D) Art therapy under ORS 681.740 to 681.758;

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

(F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

(G) Dealing in hearing aids under ORS 694.015 to 694.170;

(H) Genetic counseling under ORS 676.730 to 676.748;

(I) Signed language interpretation under ORS 676.750 to 676.789; *[or]*

(J) Temporary staffing agencies under ORS 676.695 to 676.725; **or**

(K) Dental laboratories under sections 8 to 12 of this 2024 Act.

(2) The office shall disclose information obtained as part of an investigation described in subsection (1) of this section to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

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

(4) Upon request, the office shall disclose to a person against whom disciplinary action is sought any information obtained as part of an investigation described in subsection (1) of this section, if the information is not otherwise privileged or confidential under state or federal law.

SECTION 20. ORS 676.612 is amended to read:

676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, 676.660, 676.685, 676.745, 676.777, 676.825, 678.780, 680.535, 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111 **and section 12 of this 2024 Act**, the Health Licensing Office may refuse to issue or renew, may suspend or revoke or may otherwise condition or limit an authorization or may discipline or place on probation an authorization holder for commission of the prohibited acts listed in subsection (2) of this section.

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

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

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

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

(d) Practicing under a false, misleading or deceptive name, or

1 impersonating another authorization holder.

2 (e) Permitting a person other than the authorization holder to use the
3 authorization.

4 (f) Practicing with a physical or mental condition that presents an un-
5 reasonable risk of harm to the authorization holder or to the person or
6 property of others in the course of performing the authorization holder's
7 duties.

8 (g) Practicing while under the influence of alcohol, cannabis, controlled
9 substances or other skill-impairing substances, or engaging in the illegal use
10 of controlled substances or other skill-impairing substances so as to create
11 a risk of harm to the person or property of others in the course of performing
12 the duties of an authorization holder.

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

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

19 (j) Unprofessional conduct, negligence, incompetence, repeated violations
20 or any departure from or failure to conform to standards of practice in per-
21 forming services or practicing in a regulated occupation or profession subject
22 to the authority of the boards, councils and programs listed under ORS
23 676.565.

24 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of
25 the record of conviction, certified by the clerk of the court entering the
26 conviction, is conclusive evidence of the conviction. A plea of no contest or
27 an admission of guilt is a conviction for purposes of this paragraph.

28 (L) Failing to report any adverse action, as required by statute or rule,
29 taken against the authorization holder by another regulatory jurisdiction or
30 any peer review body, health care institution, professional association, gov-
31 ernmental agency, law enforcement agency or court for acts or conduct

1 similar to acts or conduct that would constitute grounds for disciplinary
2 action as described in this section.

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

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

7 (o) Failing to cooperate with the office in any investigation, inspection
8 or request for information.

9 (p) Selling or fraudulently obtaining or furnishing an authorization to
10 practice in a regulated occupation or profession subject to the authority of
11 the boards, councils and programs listed in ORS 676.565, or aiding or
12 abetting such an act.

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

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

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

22 (a) Applying for an authorization;

23 (b) Applying for renewal of an authorization; or

24 (c) Under investigation by the office.

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

29 (5) If an authorization is suspended, the authorization holder may not
30 practice during the term of suspension. Upon the expiration of the term of
31 suspension, the authorization may be reinstated by the office if the condi-

tions of suspension no longer exist and the authorization holder has satisfied all requirements in the relevant statutes or administrative rules for issuance, renewal or reinstatement.

SECTION 21. ORS 676.613 is amended to read:

676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.695 to 676.725, 676.730 to 676.748, 676.750 to 676.789, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or sections 8 to 12 of this 2024 Act**, the office may, through the Attorney General or the district attorney of the county in which the act, practice or transaction occurs or will occur, apply to the court for an injunction restraining the person from the act, practice or transaction.

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

SECTION 22. ORS 676.622 is amended to read:

676.622. (1) A transaction conducted through a state or local system or network that provides electronic access to the Health Licensing Office information and services is exempt from any requirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689, 676.695 to 676.725, 676.730 to 676.748, 676.750 to 676.789, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and sections 8 to 12 of this 2024 Act**, and rules adopted thereunder, requiring an original signature or the submission of handwritten materials.

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

SECTION 23. ORS 676.992 is amended to read:

676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility administrators);
- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts);
- (m) ORS 676.802 to 676.830 (applied behavior analysis);
- (n) ORS 681.700 to 681.730 (music therapy);
- (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- (p) ORS 681.740 to 681.758 (art therapy);
- (q) ORS 676.665 to 676.689 (lactation consultation);
- (r) ORS 676.730 to 676.748 (genetic counseling); *[and]*
- (s) ORS 676.750 to 676.789 (signed language interpretation)[.]; **and**
- (t) Sections 8 to 12 of this 2024 Act (dental laboratories).**

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

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

(4) In imposing a civil penalty under this section, the office shall consider the following factors:

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

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

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

(d) Any other aggravating or mitigating factors.

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

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

SECTION 24. ORS 679.010 is amended to read:

679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires otherwise:

(1) “Dental assistant” means a person who, under the supervision of a dentist or dental therapist, renders assistance to a dentist, dental therapist, dental hygienist, dental technician or another dental assistant or who, under the supervision of a dental hygienist, renders assistance to a dental hygienist providing dental hygiene.

(2) “Dental hygiene” is that portion of dentistry that includes, but is not

limited to:

(a) The rendering of educational, preventive and therapeutic dental services and diagnosis and treatment planning for such services;

(b) Prediagnostic risk assessment, scaling, root planing, curettage, the application of sealants and fluoride and any related intraoral or extraoral procedure required in the performance of such services; and

(c) Prescribing, dispensing and administering prescription drugs for the services described in paragraphs (a) and (b) of this subsection.

(3) “Dental hygienist” means a person who, under the supervision of a dentist, practices dental hygiene.

(4) “Dental technician” means a person who, at the authorization of a dentist, makes, provides, repairs or alters [*oral*] **dental** prosthetic appliances and other artificial materials and devices that are returned to a dentist and inserted into the human oral cavity or that come in contact with its adjacent structures and tissues.

(5) “Dental therapist” means a person licensed to practice dental therapy under ORS 679.603.

(6) “Dental therapy” means the provision of preventive dental care, restorative dental treatment and other educational, clinical and therapeutic patient services as part of a dental care team, including the services described under ORS 679.621.

(7) “Dentist” means a person who may perform any intraoral or extraoral procedure required in the practice of dentistry.

(8) “Dentist of record” means a dentist that either authorizes treatment for, supervises treatment of or provides treatment for a patient in a dental office or clinic owned or operated by an institution as described in ORS 679.020 (3).

(9)(a) “Dentistry” means the healing art concerned with:

(A) The examination, diagnosis, treatment planning, treatment, care and prevention of conditions within the human oral cavity and maxillofacial region, and of conditions of adjacent or related tissues and structures; and

(B) The prescribing, dispensing and administering of prescription drugs for purposes related to the activities described in subparagraph (A) of this paragraph.

(b) “Dentistry” includes, but is not limited to:

(A) The cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues and other acts or procedures as determined by the Oregon Board of Dentistry and included in the curricula of:

(i) Dental schools accredited by the Commission on Dental Accreditation of the American Dental Association;

(ii) Post-graduate training programs; or

(iii) Continuing education courses.

(B) The prescription and administration of vaccines.

(10) “Direct supervision” means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(11) “Expanded practice dental hygienist” means a dental hygienist who performs dental hygiene services in accordance with ORS 680.205 as authorized by an expanded practice dental hygienist permit issued by the board under ORS 680.200.

(12) “General supervision” means supervision requiring that a dentist authorize the procedures by standing orders, practice agreements or collaboration agreements, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(13) “Indirect supervision” means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

SECTION 25. ORS 679.530 is repealed.

SECTION 26. (1) Sections 8 to 12 of this 2024 Act, the amendments to ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010

and 679.176 by sections 16 to 24 of this 2024 Act and the repeal of ORS 679.530 by section 25 of this 2024 Act become operative on January 1, 2025.

(2) The amendments to section 10 of this 2024 Act by section 15 of this 2024 Act become operative on January 1, 2029.

(3) The Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the office by sections 8 to 12 of this 2024 Act, the amendments to ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010 and 679.176 by sections 16 to 24 of this 2024 Act and the repeal of ORS 679.530 by section 25 of this 2024 Act.

NURSE EDUCATORS

SECTION 27. The Oregon Health Authority shall provide grants to the Oregon Center for Nursing to work with Oregon's nursing education programs, including the programs at the Oregon Health and Science University and Oregon's community colleges, to develop programs to recruit and retain nurse educators at public and private institutions of higher education.

SECTION 28. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$5,000,000 for the purpose of carrying out the provisions of section 27 of this 2024 Act.

BEHAVIORAL HEALTH PROVIDERS

SECTION 29. (1) The Oregon Health Authority shall enter into an

agreement with the Mental Health and Addiction Certification Board of Oregon for the purpose of increasing the recruitment and retention of providers in the behavioral health care workforce with associate, bachelor's, master's or doctoral degrees or other credentials who are people of color, tribal members or residents of rural areas in this state and who can provide culturally responsive behavioral health services to underserved communities in this state.

(2) The agreement must require the:

(a) Authority to distribute moneys to the board; and

(b) Board to provide incentives for the purposes described in subsection (1) of this section, including for the reimbursement or payment of the board's certification or licensure fees on behalf of the providers described in subsection (1) of this section.

(3) The authority may request a report from the board on the use of moneys described in subsection (2) of this section.

SECTION 30. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$1,000,000 for the purpose of carrying out the provisions of section 29 of this 2024 Act.

HARM REDUCTION CLEARINGHOUSE

SECTION 31. (1) The Harm Reduction Clearinghouse Project is established within the Oregon Health Authority for the purpose of making bulk purchases of harm reduction supplies that prevent overdose, infections and injuries related to substance use. The harm reduction supplies may be use by participating harm reduction clearinghouse entities in this state to expand access to opioid overdose reversal medications and provide equitable access to harm reduction supplies for individuals at risk of overdose, infections or injuries re-

lated to substance use.

(2) The authority may adopt rules to carry out this section.

SECTION 32. ORS 413.115 is amended to read:

413.115. (1) The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund shall be credited to the fund.

(2) The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund consists of:

(a) Moneys received by the Oregon Health Authority from opioid litigation settlements;

(b) Grants awarded for the purpose of addressing substance use and overdose epidemics;

(c) Other gifts, grants, bequests, endowments or donations made to the fund; and

(d) Moneys appropriated to the fund by the Legislative Assembly.

(3) The moneys in the Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund are continuously appropriated to the Oregon Health Authority for *[expenses related to opioid harm reduction]* **the purposes described in section 31 of this 2024 Act.**

CAPTIONS

SECTION 33. The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EFFECTIVE DATE

1 **SECTION 34.** This 2024 Act takes effect on the 91st day after the
2 date on which the 2024 regular session of the Eighty-second Legislative
3 Assembly adjourns sine die.

4