

# House Bill 3401

Sponsored by Representative MORGAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health professional regulatory board to issue authorization by endorsement to qualified applicant within 30 days of date health professional regulatory board receives application. Defines "health professional regulatory board."

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to authorizations to practice regulated health professions; creating new provisions;  
3 amending ORS 30.868, 31.260, 31.740, 58.015, 67.005, 109.346, 109.680, 109.685, 192.556, 339.329,  
4 343.146, 413.574, 430.010, 433.443, 441.098, 609.656, 659A.150, 675.050, 675.270, 675.510, 675.523,  
5 675.540, 675.560, 675.585, 675.595, 675.597, 675.655, 675.658, 675.661, 675.735, 675.990, 676.565,  
6 676.625, 676.992, 677.120, 677.133, 677.512, 677.759, 677.830, 678.040, 678.111, 678.117, 678.150,  
7 678.170, 678.410, 678.448, 678.770, 679.060, 679.603, 680.050, 681.205, 681.230, 681.250, 681.340,  
8 681.350, 681.360, 681.370, 681.420, 681.480, 681.490, 681.495, 681.505, 682.216, 682.218, 683.220,  
9 684.060, 685.085, 687.057, 687.430, 688.080, 688.415, 688.425, 688.495, 688.525, 688.557, 688.585,  
10 688.600, 688.603, 688.605, 688.800, 688.802, 688.819, 688.836, 688.840, 688.915, 689.265, 691.445,  
11 694.025, 694.065, 743A.024 and 746.600; and prescribing an effective date.

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

## AUTHORIZATION BY ENDORSEMENT

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

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16  
17 (a) "Authorization" means a license, registration, certificate or other authorization to  
18 engage in a health care profession or occupation.

19 (b) "Health professional regulatory board" means the:

20 (A) State Board of Examiners for Speech-Language Pathology and Audiology;

21 (B) State Board of Licensed Social Workers;

22 (C) Oregon State Board of Nursing;

23 (D) Board of Medical Imaging;

24 (E) Respiratory and Polysomnographic Technologist Licensing Board; and

25 (F) Health Licensing Office, to the extent that the office provides administrative and  
26 regulatory oversight and centralized service for the Respiratory and Polysomnographic  
27 Technologist Licensing Board.

28 (2) A health professional regulatory board shall establish a process to issue an authori-  
29 zation by endorsement to an applicant who:

30 (a) Submits to the health professional regulatory board:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) An application on a form approved by the health professional regulatory board;

2 (B) Proof, as deemed sufficient by the health professional regulatory board, that the ap-  
3 plicant holds an authorization issued by another state to engage in the health care profession  
4 or occupation regulated by the board; and

5 (C) Proof, as deemed sufficient by the health professional regulatory board, that the au-  
6 thorization described in subparagraph (B) of this paragraph is in good standing;

7 (b) Pays the fee established by the health professional regulatory board by rule; and

8 (c) Meets any other requirements established by the health professional regulatory board  
9 by rule.

10 (3) A health professional regulatory board shall issue, to a qualified applicant, an au-  
11 thorization under this section within 30 days of the date on which an application is received  
12 under subsection (2) of this section.

13 (4) A health professional regulatory board may not limit or restrict, based solely on the  
14 fact that the authorization was issued under this section, the practice of an individual to  
15 whom an authorization by endorsement is issued under this section.

16 (5) An authorization by endorsement issued under this section may be renewed.

17 (6) A health professional regulatory board may adopt rules to carry out this section.

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

19 (a) “Authorization” has the meaning given that term in section 1 of this 2023 Act.

20 (b) “Health professional regulatory board” means the:

21 (A) State Board of Examiners for Speech-Language Pathology and Audiology;

22 (B) State Board of Chiropractic Examiners;

23 (C) State Board of Licensed Social Workers;

24 (D) Oregon Board of Licensed Professional Counselors and Therapists;

25 (E) Oregon Board of Dentistry;

26 (F) State Board of Massage Therapists;

27 (G) Oregon Board of Naturopathic Medicine;

28 (H) Oregon State Board of Nursing;

29 (I) Oregon Board of Optometry;

30 (J) State Board of Pharmacy;

31 (K) Oregon Medical Board;

32 (L) Occupational Therapy Licensing Board;

33 (M) Oregon Board of Physical Therapy;

34 (N) Oregon Board of Psychology;

35 (O) Board of Medical Imaging;

36 (P) Oregon Health Authority, to the extent that the authority licenses emergency med-  
37 ical services providers;

38 (Q) State Board of Direct Entry Midwifery;

39 (R) Respiratory and Polysomnographic Technologist Licensing Board;

40 (S) Long Term Care Administrators Board;

41 (T) Board of Licensed Dietitians; and

42 (U) Health Licensing Office, to the extent that the office provides administrative and  
43 regulatory oversight and centralized service for the State Board of Direct Entry Midwifery,  
44 the Respiratory and Polysomnographic Technologist Licensing Board, the Long Term Care  
45 Administrators Board and the Board of Licensed Dietitians.

1 (2) A health professional regulatory board that, on or before the operative date specified  
2 in section 99 of this 2023 Act, has established a process for authorization by reciprocity,  
3 endorsement, indorsement or similar method for a health profession regulated by the health  
4 professional regulatory board is not required to establish an additional authorization process  
5 under section 1 of this section for the health profession.  
6

7 **HEALTH PROFESSIONAL AUTHORIZATIONS**

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9 **SECTION 3.** ORS 675.050 is amended to read:

10 675.050. (1) Upon application for licensure accompanied by the established fee, the Oregon Board  
11 of Psychology may issue a license, without national examination, to any applicant who furnishes  
12 evidence satisfactory to the board that the applicant:

13 (a) Holds a doctoral degree from an approved doctoral program in psychology and is licensed  
14 or certified to practice psychology in another state in which the requirements for such licensing or  
15 certification are, in the judgment of the board, essentially equivalent to licensing requirements of  
16 ORS 675.010 to 675.150 and the rules of the board;

17 (b) Is a diplomate in good standing of the American Board of Professional Psychology;

18 (c) Is licensed in a jurisdiction that is a party to a licensing reciprocity agreement with the  
19 State of Oregon and meets the requirements for reciprocity in the agreement;

20 (d) Possesses a valid Certificate of Professional Qualification granted by the Association of State  
21 and Provincial Psychology Boards or is credentialed as a Health Service Provider in Psychology by  
22 the National Register of Health Service Providers in Psychology; or

23 (e)(A) Possesses and has maintained for at least 15 years a license to practice psychology that  
24 is based on a doctoral degree and that is issued by a board that is a member jurisdiction of the  
25 Association of State and Provincial Psychology Boards; and

26 (B) Meets other requirements established by the Oregon Board of Psychology.

27 (2) The Oregon Board of Psychology shall adopt by rule and administer an examination on  
28 Oregon law to an applicant described in subsection (1) of this section.

29 **(3) The Oregon Board of Psychology shall issue, to a qualified applicant, a license under**  
30 **this section not later than 30 days after the date on which the board receives an application**  
31 **for a license.**

32 **SECTION 4.** ORS 675.270 is amended to read:

33 675.270. (1) The Occupational Therapy Licensing Board may license without examination any  
34 person who applies and meets the requirements under ORS 675.210 to 675.340, and:

35 (a) Is currently certified as an occupational therapist registered (O.T.R.) or certified occupa-  
36 tional therapy assistant (C.O.T.A.) by the National Board for Certification in Occupational Therapy;  
37 or

38 (b) Presents proof of current licensure as an occupational therapist or occupational therapy as-  
39 sistant in another state, the District of Columbia, or territory of the United States that requires  
40 standards for licensure considered by the Occupational Therapy Licensing Board to be equivalent  
41 to the requirements for licensure under ORS 675.210 to 675.340.

42 (2) Each applicant under this section shall pay a license fee, in an amount established by the  
43 board, at the time of filing an application under this section.

44 **(3) The board shall issue, to a qualified applicant, a license under this section not later**  
45 **than 30 days after the date on which the board receives an application for a license.**

1        **SECTION 5.** ORS 675.510 is amended to read:

2        675.510. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

3        (1) “Authorization to practice regulated social work” means a certificate or license issued by  
4 the State Board of Licensed Social Workers under ORS 675.510 to 675.600 **or section 1 of this 2023**  
5 **Act.**

6        (2) “Clinical social work” means:

7        (a) A specialty within the practice of master’s social work that requires the application of spe-  
8 cialized clinical knowledge and advanced clinical skills to the assessment, diagnosis or treatment  
9 of mental, emotional or behavioral disorders or conditions, or as further defined by the board by  
10 rule;

11        (b) The application of services described in paragraph (a) of this subsection to the provision of  
12 individual, marital, couples, family or group counseling or psychotherapy; or

13        (c) The clinical supervision, as defined by the board by rule, of services described in paragraphs  
14 (a) and (b) of this subsection.

15        (3) “Clinical social worker” means a person who practices clinical social work.

16        (4) “Practice of baccalaureate social work” means the basic, generalist practice of social work  
17 that includes assessment, planning, intervention, evaluation, case management, information and re-  
18 ferral, counseling, supervision, consultation, education, advocacy, community organization, and the  
19 development, implementation and administration of policies, programs or activities.

20        (5) “Practice of master’s social work” means social work characterized by the application of  
21 specialized knowledge and advanced practice skills in the areas of assessment, treatment planning,  
22 implementation or evaluation, case management or referral, counseling, nonclinical supervision,  
23 consultation, education, research, advocacy, community organization, or the development, imple-  
24 mentation or administration of policies, programs or activities.

25        (6) “Practice of social work” means the application of social work theory, knowledge, methods  
26 and ethics to restore or enhance social, psychosocial or biopsychosocial functioning of an individual,  
27 couples, families, children, groups, organizations or communities.

28        (7) “Regulated social worker” means a baccalaureate social worker registered under ORS  
29 675.532 **or section 1 of this 2023 Act**, a master’s social worker licensed under ORS 675.533 **or**  
30 **section 1 of this 2023 Act**, a clinical social work associate certified under ORS 675.537 **or section**  
31 **1 of this 2023 Act** or a clinical social worker licensed under ORS 675.530 **or section 1 of this 2023**  
32 **Act.**

33        (8) “Unprofessional conduct” includes, but is not limited to, any conduct or practice contrary  
34 to recognized standards of ethics of the social work profession or any conduct that constitutes or  
35 might constitute a danger to the health or safety of a client or the public or in any other manner  
36 fails or might fail to adhere to the recognized standards of the profession.

37        **SECTION 6.** ORS 675.523 is amended to read:

38        675.523. A person may not practice clinical social work unless the person is a clinical social  
39 worker licensed under ORS 675.530 **or section 1 of this 2023 Act** or a clinical social work associate  
40 certified under ORS 675.537 **or section 1 of this 2023 Act**, except if the person is:

41        (1) Licensed or certified by the State of Oregon to provide mental health services, provided that  
42 the person is acting within the lawful scope of practice for the person’s license or certification and  
43 does not represent that the person is a regulated social worker;

44        (2) Certified to provide alcohol and drug abuse prevention services, intervention services and  
45 treatment in compliance with rules adopted under ORS 430.256 and 430.357, provided that the person

1 is acting within the lawful scope of practice for the person's certification and does not represent  
 2 that the person is a regulated social worker;

3 (3) Employed by or contracting with an entity that is certified or licensed by the State of Oregon  
 4 under ORS 430.610 to 430.695 to provide mental health treatment or addiction services, provided that  
 5 the person is practicing within the lawful scope of the person's employment or contract;

6 (4) A recognized member of the clergy, provided that the person is acting in the person's  
 7 ministerial capacity and does not represent that the person is a regulated social worker; or

8 (5) A student in a social work graduate degree program that meets the requirements established  
 9 by the State Board of Licensed Social Workers by rule.

10 **SECTION 7.** ORS 675.540 is amended to read:

11 675.540. (1) The State Board of Licensed Social Workers may impose any or all of the sanctions  
 12 specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of  
 13 ORS chapter 183 relating to a contested case, that a regulated social worker:

14 (a) Has been convicted in this or any other state of a crime that is a felony in this state;

15 (b) Has been convicted of a felony in a federal court;

16 (c) Is unable to perform the practice of social work by reason of physical illness;

17 (d) Has an impairment as defined in ORS 676.303;

18 (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social  
 19 work;

20 (f) Has violated any provision of ORS 675.510 to 675.600 or 675.850 **or section 1 of this 2023**  
 21 **Act** or any rule adopted under ORS 675.600 **or section 1 of this 2023 Act**; or

22 (g) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005  
 23 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to  
 24 a sex crime as defined in ORS 163A.005.

25 (2) Pursuant to the provisions of subsection (1) of this section, the board may:

26 (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work  
 27 issued under ORS 675.510 to 675.600 **or section 1 of this 2023 Act**.

28 (b) Place a regulated social worker on probation and impose conditions or limits on the scope  
 29 of practice of a regulated social worker.

30 (c) Impose a civil penalty not to exceed \$3,000 for each violation.

31 (3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to  
 32 practice regulated social work does not deprive the board of jurisdiction to proceed with any in-  
 33 vestigation of, or any action or disciplinary proceedings against, the regulated social worker.

34 (4) Information that the board obtains as part of an investigation into the conduct of a regulated  
 35 social worker or an applicant for an authorization to practice regulated social work or as part of  
 36 a contested case proceeding, consent order or stipulated agreement involving the conduct of a reg-  
 37 ulated social worker or applicant, is confidential as provided under ORS 676.175.

38 (5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may  
 39 impose a civil penalty in an amount up to \$5,000 upon proof that, after a person's authorization to  
 40 practice regulated social work has been revoked by the board, the person has:

41 (a) Engaged in the practice of clinical social work; or

42 (b) Represented that the person is a regulated social worker.

43 (6) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may  
 44 impose a civil penalty of up to \$3,000 upon proof that a person who is not a regulated social worker  
 45 has:

1 (a) Represented that the person is a regulated social worker; or

2 (b) Used the title “social worker” or any title, words or abbreviations that indicate that the  
3 person has an authorization to practice regulated social work in violation of ORS 675.520.

4 (7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may  
5 impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social worker  
6 licensed under ORS 675.530 **or section 1 of this 2023 Act** or a clinical social work associate cer-  
7 tified under ORS 675.537 **or section 1 of this 2023 Act** has:

8 (a) Engaged in the practice of clinical social work, unless the person is permitted to practice  
9 clinical social work under ORS 675.523; or

10 (b) Represented that the person is a clinical social worker or clinical social work associate.

11 **SECTION 8.** ORS 675.560 is amended to read:

12 675.560. (1) An authorization to practice regulated social work granted by the State Board of  
13 Licensed Social Workers under ORS 675.510 to 675.600 **or section 1 of this 2023 Act** is effective  
14 when the authorization is issued by the board.

15 (2) An authorization to practice regulated social work granted by the board expires on the date  
16 established by the board by rule.

17 (3) The board shall adopt rules setting forth requirements for renewal of a registration under  
18 ORS 675.532 and renewal of a license under ORS 675.533.

19 (4) A clinical social work associate certified by the board under ORS 675.537 **or section 1 of**  
20 **this 2023 Act** may renew the certification by:

21 (a) Payment of the renewal fee established under ORS 675.571; and

22 (b) Submission of a sworn statement by the associate, on a form provided by the board, that  
23 demonstrates to the board’s satisfaction that satisfactory progress is being made toward completion  
24 of the associate’s adopted supervisory plan.

25 (5) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act** may re-  
26 new the license by:

27 (a) Payment of the renewal fee established under ORS 675.571; and

28 (b) Submission of a sworn statement by the applicant, on a form provided by the board, that the  
29 applicant:

30 (A) Has completed applicable continuing education requirements established by the board under  
31 ORS 675.565; and

32 (B) Is unaware of any reason for denial of the renewal.

33 **SECTION 9.** ORS 675.585 is amended to read:

34 675.585. (1) Upon complaint of any person, or upon its own initiative, the State Board of Li-  
35 censed Social Workers may investigate any alleged violation of ORS 675.510 to 675.600 **or section**  
36 **1 of this 2023 Act**.

37 (2) Any information that the board obtains pursuant to subsection (1) of this section is confi-  
38 dential as provided under ORS 676.175 and is not admissible in judicial proceedings, other than ju-  
39 dicial review as provided for under ORS 183.480, until the board votes to take final action.

40 (3) Any person who reports or provides information to the board under subsection (1) of this  
41 section in good faith is not subject to an action for civil damages as a result thereof.

42 (4) In addition to any other privilege or immunity provided by law, members of the board,  
43 members of its administrative and investigative staff, agents of the board and attorneys acting for  
44 the board as prosecutors or counsel have the same privileges and immunities from civil, adminis-  
45 trative and criminal proceedings arising by reason of official actions as prosecuting and judicial of-

1   ficers of the state.

2       (5) A person who has made a complaint to the board or who has given information or testimony  
3 relative to a proposed or pending proceeding before the board is not answerable for any such act  
4 in any proceeding except for perjury.

5       **SECTION 10.** ORS 675.595 is amended to read:

6       675.595. In addition to the powers otherwise granted under ORS 675.510 to 675.600 **and section**  
7 **1 of this 2023 Act**, the State Board of Licensed Social Workers shall have the following powers:

8       (1) To determine the qualifications of applicants to practice social work in this state.

9       (2) To cause to have examinations prepared, conducted and graded.

10       (3) To grant authorizations to practice regulated social work to qualified applicants upon their  
11 compliance with the provisions of ORS 675.510 to 675.600 **and section 1 of this 2023 Act** and the  
12 rules of the board.

13       (4) To grant or deny renewal of authorizations to practice regulated social work.

14       (5) To suspend or revoke authorizations to practice regulated social work.

15       (6) To issue letters of reprimand.

16       (7) To impose probationary periods with the authority to restrict the scope of practice of a  
17 regulated social worker.

18       (8) To require that a regulated social worker:

19       (a) Practice under supervision;

20       (b) Obtain additional training in social work; or

21       (c) Undergo psychological, physical or psychiatric assessment, enter into and remain in any  
22 prescribed treatment program and disclose the results of the treatment program to the board.

23       (9) To impose civil penalties as provided in ORS 675.540.

24       (10) To restore authorizations to practice regulated social work that have been suspended, re-  
25 voked or voided by nonpayment of the renewal fee.

26       (11) To collect fees for application, examination and reexamination of applicants for initial au-  
27 thorizations to practice regulated social work as provided in ORS 675.571.

28       (12) To collect fees for renewal of authorizations to practice regulated social work as provided  
29 in ORS 675.571.

30       (13) To collect delinquent renewal fees as provided in ORS 675.571 (4).

31       (14) To investigate alleged violations of ORS 675.510 to 675.600.

32       (15) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or af-  
33 firmations to witnesses, conduct hearings and require the production of relevant documents in all  
34 proceedings pertaining to the duties and powers of the board.

35       (16) To enforce ORS 675.510 to 675.600 **and section 1 of this 2023 Act** and exercise general  
36 supervision over the practice of social work in this state.

37       (17) To adopt a common seal.

38       (18) To formulate and enforce a code of professional conduct for the practice of social work  
39 giving particular consideration to the code of ethics.

40       (19) To formulate and enforce continuing education requirements for regulated social workers  
41 to ensure the highest quality of professional services to the public.

42       (20) To take such other disciplinary action as the board in its discretion finds proper, including  
43 but not limited to assessment of the costs of the disciplinary process.

44       (21) For the purpose of requesting a state or nationwide criminal records check under ORS  
45 181A.195, to require the fingerprints of a person who is:

- 1 (a) Applying for an authorization to practice regulated social work;
- 2 (b) Applying for renewal of an authorization to practice regulated social work; or
- 3 (c) Under investigation by the board.

4 **SECTION 11.** ORS 675.597 is amended to read:

5 675.597. The State Board of Licensed Social Workers Account is established in the State  
6 Treasury, separate and distinct from the General Fund. Interest earned by the State Board of Li-  
7 censed Social Workers Account shall be credited to the account. Moneys in the account are con-  
8 tinuously appropriated to the board for the administration and enforcement of ORS 675.510 to  
9 675.600, 676.850 and 676.866 **and section 1 of this 2023 Act.**

10 **SECTION 12.** ORS 675.990 is amended to read:

11 675.990. (1)(a) Violation of any provision of ORS 675.010 to 675.150 is a Class C misdemeanor.

12 (b) Notwithstanding paragraph (a) of this subsection, violation of ORS 675.020 is a Class A  
13 misdemeanor.

14 (2) Violation of any provision of ORS 675.220 is a Class B misdemeanor.

15 (3) The following shall be Class C misdemeanors:

16 (a) Any violation of ORS 675.520;

17 (b) Obtaining or attempting to obtain or renew an authorization to practice regulated social  
18 work by bribery or fraudulent representation;

19 (c) Knowingly making a false statement in connection with any application for an authorization  
20 to practice regulated social work under ORS 675.510 to 675.600 **or section 1 of this 2023 Act**; or

21 (d) Knowingly making a false statement on any form adopted by the State Board of Licensed  
22 Social Workers in accordance with ORS 675.510 to 675.600 **or section 1 of this 2023 Act**, or the  
23 rules adopted under ORS 675.510 to 675.600 **or section 1 of this 2023 Act.**

24 **SECTION 13.** ORS 675.735 is amended to read:

25 675.735. (1) Upon application [*therefor*] **for a license under ORS 675.715**, accompanied by the  
26 appropriate fees established under ORS 675.785, the Oregon Board of Licensed Professional Coun-  
27 selors and Therapists shall grant a license as a professional counselor or marriage and family  
28 therapist if the applicant provides evidence to the satisfaction of the board that the applicant is  
29 recognized as a professional counselor or marriage and family therapist in another state in which  
30 the requirements for such recognition are, in the judgment of the board, at least equivalent to the  
31 licensing requirements of ORS 675.715 to 675.835 and rules of the board.

32 **(2) The board shall issue, to a qualified applicant, a license under this section not later**  
33 **than 30 days after the date on which the board receives an application for a license.**

34 **SECTION 14.** ORS 676.565 is amended to read:

35 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and  
36 regulatory oversight and centralized service for the following boards, councils and programs:

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

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

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

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

41 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in  
42 ORS 688.800 to 688.840 **and section 1 of this 2023 Act**;

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

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

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



- 1 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 2 (10) Long Term Care Administrators Board, as provided in ORS 678.710 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 676.630 to 676.660;
- 6 (14) Art therapy, as provided in ORS 681.740 to 681.758;
- 7 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
- 8 (16) Music therapy, as provided in ORS 681.700 to 681.730; and
- 9 (17) Genetic counseling, as provided in ORS 676.730 to 676.748.

10 **SECTION 15.** ORS 676.565, as amended by section 9, chapter 92, Oregon Laws 2022, is amended  
11 to read:

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

- 14 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 15 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- 16 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 17 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 18 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in  
19 ORS 688.800 to 688.840 **and section 1 of this 2023 Act**;
- 20 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 21 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- 22 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- 23 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 24 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- 25 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- 26 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
- 27 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
- 28 (14) Art therapy, as provided in ORS 681.740 to 681.758;
- 29 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
- 30 (16) Music therapy, as provided in ORS 681.700 to 681.730;
- 31 (17) Genetic counseling, as provided in ORS 676.730 to 676.748; and
- 32 (18) Temporary staffing agencies, as provided in sections 1 to 7, chapter 92, Oregon Laws 2022.

33 **SECTION 16.** ORS 676.625 is amended to read:

34 676.625. (1) The Health Licensing Office shall establish by rule and shall collect fees and charges  
35 to carry out the office's responsibilities under ORS 676.560 to 676.625, 676.850 and 676.992 **and**  
36 **section 1 of this 2023 Act** and any responsibility imposed on the office pertaining to the boards,  
37 councils and programs administered and regulated by the office pursuant to ORS 676.565.

38 (2) The Health Licensing Office Account is established separate and distinct from the General  
39 Fund. The account shall consist of the moneys credited to the account by the Legislative Assembly.  
40 All moneys in the account are continuously appropriated to and shall be used by the office for  
41 payment of expenses of the office in carrying out the duties, functions and obligations of the office,  
42 and for payment of the expenses of the boards, councils and programs administered and regulated  
43 by the office pursuant to ORS 676.565. The office shall keep a record of all moneys credited to the  
44 account and report the source from which the moneys are derived and the activity of each board,  
45 council or program that generated the moneys.

1 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report  
 2 to the Emergency Board prior to establishing fees and charges credited to the account, the fees and  
 3 charges may not exceed the cost of administering the office and the boards, councils and programs  
 4 within the office, as authorized by the Legislative Assembly within the office’s budget, as the budget  
 5 may be modified by the Emergency Board.

6 (4) All moneys credited to the account pursuant to ORS 676.576 and 676.806, and moneys cred-  
 7 ited to the account from other office and program fees established by the office by rule, are con-  
 8 tinuously appropriated to the office for carrying out the duties, functions and powers of the office  
 9 under ORS 676.560 to 676.625, 676.806, 676.850 and 676.992 **and section 1 of this 2023 Act.**

10 (5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and  
 11 accounted for as are other moneys received by the office and shall be for the administration and  
 12 enforcement of the statutes governing the boards, councils and programs administered by the office.

13 **SECTION 17.** ORS 676.625, as amended by section 14, chapter 92, Oregon Laws 2022, is  
 14 amended to read:

15 676.625. (1) The Health Licensing Office shall establish by rule and shall collect fees and charges  
 16 to carry out the office’s responsibilities under ORS 676.560 to 676.625, 676.850 and 676.992 **and**  
 17 **section 1 of this 2023 Act** and any responsibility imposed on the office pertaining to the boards,  
 18 councils and programs administered and regulated by the office pursuant to ORS 676.565.

19 (2) The Health Licensing Office Account is established separate and distinct from the General  
 20 Fund. The account shall consist of the moneys credited to the account by the Legislative Assembly.  
 21 All moneys in the account are continuously appropriated to and shall be used by the office for  
 22 payment of expenses of the office in carrying out the duties, functions and obligations of the office,  
 23 and for payment of the expenses of the boards, councils and programs administered and regulated  
 24 by the office pursuant to ORS 676.565. The office shall keep a record of all moneys credited to the  
 25 account and report the source from which the moneys are derived and the activity of each board,  
 26 council or program that generated the moneys.

27 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report  
 28 to the Emergency Board prior to establishing fees and charges credited to the account, the fees and  
 29 charges may not exceed the cost of administering the office and the boards, councils and programs  
 30 within the office, as authorized by the Legislative Assembly within the office’s budget, as the budget  
 31 may be modified by the Emergency Board.

32 (4) All moneys credited to the account pursuant to ORS 676.576 and 676.806, and moneys cred-  
 33 ited to the account from other office and program fees established by the office by rule, are con-  
 34 tinuously appropriated to the office for carrying out the duties, functions and powers of the office  
 35 under ORS 676.560 to 676.625, 676.806, 676.850 and 676.992 **and section 1 of this 2023 Act.**

36 (5) The moneys received from civil penalties assessed under ORS 676.992 and section 7, chapter  
 37 92, Oregon Laws 2022, shall be deposited and accounted for as are other moneys received by the  
 38 office and shall be for the administration and enforcement of the statutes governing the boards,  
 39 councils and programs administered by the office.

40 **SECTION 18.** ORS 676.992 is amended to read:

41 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other  
 42 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to  
 43 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following  
 44 statutes:

45 (a) ORS 688.701 to 688.734 (athletic training);

- 1 (b) ORS 690.005 to 690.225 (cosmetology);
- 2 (c) ORS 680.500 to 680.565 (denture technology);
- 3 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- 4 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
- 5 planting and scarification);
- 6 (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- 7 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- 8 (h) ORS chapter 700 (environmental sanitation);
- 9 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- 10 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-
- 11 trators);
- 12 (k) ORS 691.405 to 691.485 (dietitians);
- 13 (L) ORS 676.612 (prohibited acts);
- 14 (m) ORS 676.810 and 676.815 (applied behavior analysis);
- 15 (n) ORS 681.700 to 681.730 (music therapy);
- 16 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- 17 (p) ORS 681.740 to 681.758 (art therapy);
- 18 (q) ORS 676.665 to 676.689 (lactation consultation); [and]
- 19 (r) ORS 676.730 to 676.748 (genetic counseling); **and**
- 20 (s) **Section 1 of this 2023 Act (health professional authorization by endorsement).**

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

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

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

- 28 (a) The immediacy and extent to which the violation threatens the public health or safety;
- 29 (b) Any prior violations of statutes, rules or orders;
- 30 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
- 31 lation; and
- 32 (d) Any other aggravating or mitigating factors.

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

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

38 **SECTION 19.** ORS 677.120 is amended to read:

39 677.120. [(1) As used in this section, "health clinic" means a public health clinic or a health clinic  
 40 operated by a charitable corporation that mainly provides primary physical health, dental or mental  
 41 health services to low-income patients without charge or using a sliding fee scale based on the income  
 42 of the patient.]

43 [(2) A physician, other than a podiatric physician and surgeon, who lawfully has been issued a  
 44 license to practice in another state or territory of the United States or the District of Columbia, the  
 45 qualifications and licensing examinations of which are substantially similar to those of the State of

1 *Oregon, may be licensed by the Oregon Medical Board to practice medicine in this state without taking*  
 2 *an examination, except when an examination is required under subsection (3) or (4) of this section.]*

3 *[(3) A person described in subsection (2) of this section, whose application is based on a license*  
 4 *issued in another state or territory or the District of Columbia, certification of the National Board of*  
 5 *Medical Examiners of the United States, the National Board of Examiners for Osteopathic Physicians*  
 6 *and Surgeons or the Medical Council of Canada or successful completion of the United States Medical*  
 7 *Licensing Examination, 10 years or more prior to the filing of an application with the Oregon Medical*  
 8 *Board or who has ceased the practice of medicine for 12 or more consecutive months, may be required*  
 9 *by the board to take an examination.]*

10 *[(4) A person described in subsection (2) of this section who volunteers at a health clinic and whose*  
 11 *application is based on a license issued in another state or territory or the District of Columbia, certi-*  
 12 *fication of the National Board of Medical Examiners of the United States, the National Board of Ex-*  
 13 *aminers for Osteopathic Physicians and Surgeons or the Medical Council of Canada or successful*  
 14 *completion of the United States Medical Licensing Examination or the Federation Licensing Examina-*  
 15 *tion may be required by the Oregon Medical Board to take a national licensing examination if the*  
 16 *person has ceased the practice of medicine for 24 or more consecutive months immediately prior to fil-*  
 17 *ing the application.]*

18 **(1)(a) Except as provided in subsection (2) or (3) of this section, the Oregon Medical**  
 19 **Board may license a physician described in this subsection to practice medicine in this state**  
 20 **without an examination.**

21 **(b) A physician may be licensed under this section if the physician:**

22 **(A) Is not a podiatric physician and surgeon; and**

23 **(B) Has been issued a license to practice medicine in another state or territory of the**  
 24 **United States or the District of Columbia, the qualifications and licensing examinations of**  
 25 **which are substantially similar to those of this state.**

26 **(2) The board may require a physician described in subsection (1) of this section to take**  
 27 **an examination to be eligible for a license to practice medicine if:**

28 **(a) The physician's application is based on one of the following, issued or completed 10**  
 29 **or more years before the date of application:**

30 **(A) A license from another state or territory or the District of Columbia;**

31 **(B) Certification of the National Board of Medical Examiners of the United States, the**  
 32 **National Board of Osteopathic Medical Examiners or the Medical Council of Canada; or**

33 **(C) The United States Medical Licensing Examination; or**

34 **(b) The physician ceased the practice of medicine for 12 or more consecutive months.**

35 **(3)(a) As used in this subsection, "health clinic" means a public health clinic or a health**  
 36 **clinic operated by a charitable corporation that mainly provides primary physical health,**  
 37 **dental or mental health services to low-income patients without charge or using a sliding fee**  
 38 **scale based on the income of the patient.**

39 **(b) The Oregon Medical Board may require a physician described in subsection (1) of this**  
 40 **section to take a national licensing examination to be eligible for a license to practice medi-**  
 41 **cine if:**

42 **(A) The physician volunteers at a health clinic;**

43 **(B) The physician's application is based on one of the following:**

44 **(i) A license issued by another state or territory or the District of Columbia;**

45 **(ii) Certification of the National Board of Medical Examiners of the United States, the**

1 **National Board of Osteopathic Medical Examiners or the Medical Council of Canada; or**  
 2 **(iii) Successful completion of the United States Medical Licensing Examination; and**  
 3 **(C) The physician has ceased the practice of medicine for 24 or more consecutive months**  
 4 **immediately prior to the date of application for licensure.**

5 [(5)] (c) The Oregon Medical Board shall make the application under **this** subsection [(4) of this  
 6 section] available online. A physician applying for a license under **this** subsection [(4) of this  
 7 section] shall pay to the board an application fee as determined by the board pursuant to ORS  
 8 677.265.

9 **(4) The Oregon Medical Board shall issue, to a qualified applicant, a license under this**  
 10 **section not later than 30 days after the date on which the board receives an application for**  
 11 **a license.**

12 **SECTION 20.** ORS 677.133 is amended to read:

13 677.133. (1) [On or before January 1, 2010,] The Oregon Medical Board shall implement an ex-  
 14 pedited physician licensing process that allows the board to issue a license by endorsement to a  
 15 qualified physician. To be considered for a license by endorsement, a physician:

16 (a)(A) Must have practiced the physician's specialty, if any, for at least one year immediately  
 17 preceding the date of the physician's application for licensure by endorsement; or

18 (B) If the physician is retired, must have been retired for one year or less;

19 (b) May not have been subject to discipline by a health professional regulatory board in any  
 20 state in which the physician has been licensed; and

21 (c) May not have been held liable for a significant malpractice claim as defined by the board  
 22 by rule.

23 (2) The licensing process implemented by the board must require the board to:

24 (a) Use existing databases to verify application information; and

25 (b) Accept documents from the state in which the applicant was first licensed as a physician as  
 26 equivalent to primary source documents to verify:

27 (A) Medical education;

28 (B) National medical examination scores;

29 (C) Post-graduate training, if applicable; and

30 (D) Other qualifications as provided by rule of the board.

31 **(3) The board shall issue, to a qualified applicant, a license under this section not later**  
 32 **than 30 days after the date on which the board receives an application for a license.**

33 **SECTION 21.** ORS 677.512 is amended to read:

34 677.512. (1) A person seeking licensure as a physician assistant shall complete an application  
 35 form provided by the Oregon Medical Board and submit the form to the board, accompanied by  
 36 nonrefundable fees for the application and for the license in amounts determined by rule of the  
 37 board.

38 (2) The board may issue a license to a physician assistant who:

39 (a) Submits an application as required by the board by rule;

40 (b) Pays the application fee established by the board by rule;

41 (c) Has completed an educational program accredited by a nationally recognized accreditation  
 42 organization for physician assistant educational programs;

43 (d) Has passed the initial national examination required of physician assistants to become na-  
 44 tionally certified;

45 (e) Is mentally and physically able to engage safely in practice as a physician assistant;

1 (f) Has not been disciplined by a physician assistant licensing board in another state, unless the  
2 board considers the discipline and determines that the person is competent to practice as a physi-  
3 cian assistant; and

4 (g) Is of good moral character as determined by the board.

5 (3)(a) The board may issue a license by reciprocity to a person who is licensed as a physician  
6 assistant in another state and meets the requirements of subsection (2)(c) and (d) of this section.

7 **(b) The board shall issue, to a qualified applicant, a license under this subsection not**  
8 **later than 30 days after the date on which the board receives an application for a license.**

9 (4)(a) The board shall adopt necessary and proper rules to govern the renewal of licenses issued  
10 under this section.

11 (b) If the board requires a licensee to complete continuing education in order to renew a license  
12 issued under this section, the board shall allow a licensee to meet those requirements by providing  
13 the board with documentation of military training or experience that is substantially equivalent to  
14 the continuing education required by the board.

15 **SECTION 22.** ORS 677.759 is amended to read:

16 677.759. (1) *[No person shall]* **A person may not** practice acupuncture without first obtaining  
17 a license to practice medicine and surgery or a license to practice acupuncture from the Oregon  
18 Medical Board except as provided in subsection (2)(a) of this section.

19 (2)(a) Notwithstanding subsection (1) of this section, the board may issue a license to practice  
20 acupuncture to an individual licensed to practice acupuncture in another state or territory of the  
21 United States if the individual is licensed to practice medicine and surgery or acupuncture in the  
22 other state or territory. The board *[shall]* **may** not issue such a license unless the requirements of  
23 the other state or territory are similar to the requirements of this state.

24 **(b) The board shall issue, to a qualified applicant, a license under this subsection not**  
25 **later than 30 days after the date on which the board receives an application for a license.**

26 (3) The board shall examine the qualifications of an applicant and determine who shall be au-  
27 thorized to practice acupuncture.

28 (4) Using the term “acupuncture,” “acupuncturist,” “Oriental medicine” or any other term, title,  
29 name or abbreviation indicating that an individual is qualified or licensed to practice acupuncture  
30 is prima facie evidence of practicing acupuncture.

31 (5) In addition to the powers and duties of the board described in this chapter, the board shall  
32 adopt rules consistent with ORS 677.757 to 677.770 governing the issuance of a license to practice  
33 acupuncture.

34 **SECTION 23.** ORS 677.830 is amended to read:

35 677.830. (1) Notwithstanding the provisions of ORS 677.825, the Oregon Medical Board may issue  
36 a license to practice podiatry without a written examination of the applicant if the applicant has a  
37 license to practice podiatry issued by a licensing agency of another state or territory of the United  
38 States and the applicant complies with the other provisions of ORS 677.805 to 677.840. *[Such a li-*  
39 *cence shall not be issued]* **The board may not issue a license under this section** unless the re-  
40 quirements, including the examination for *[such license]* **the license issued by another state or**  
41 **territory** are substantially similar to the requirements of this state for a license to practice  
42 podiatry. The board shall adopt rules governing the issuance of licenses to persons applying under  
43 this section. The license may be evidenced by a certificate of the board indorsed on the license is-  
44 sued by the other state or territory, or by issuance of a license as otherwise provided by ORS  
45 677.805 to 677.840.

1 (2) The Oregon Medical Board may accept a certificate of successful examination issued by the  
 2 National Board of Podiatry Examiners in lieu of a written examination given by the Oregon Medical  
 3 Board.

4 (3) The Oregon Medical Board may require an applicant under subsection (1) or (2) of this sec-  
 5 tion to take an oral examination conducted by one or more members of the board.

6 **(4) The board shall issue, to a qualified applicant, a license under this section not later**  
 7 **than 30 days after the date on which the board receives an application for a license.**

8 **SECTION 24.** ORS 678.040 is amended to read:

9 678.040. (1) An applicant for a license under ORS 678.010 to 678.448 shall provide to the Oregon  
 10 State Board of Nursing satisfactory evidence that the applicant's physical and mental health is such  
 11 that it is safe for the applicant to practice, and that:

12 [(1)] (a) The applicant has graduated:

13 [(a)] (A) From a registered nurse or licensed practical nurse nursing education program ap-  
 14 proved by the Oregon State Board of Nursing;

15 [(b)] (B) From a nursing program in the United States that included in its curriculum a clinical  
 16 component, as defined by the board by rule, and:

17 [(A)] (i) Is accredited or approved by the licensing board for nurses in a particular state or  
 18 United States territory and approved by the Oregon State Board of Nursing; or

19 [(B)] (ii) If the licensing board is not the accrediting or approval agency in that state or United  
 20 States territory, is accredited or approved by the appropriate agency for that state or United States  
 21 territory and approved by the Oregon State Board of Nursing;

22 [(c)] (C) In another country and has an education equivalent to that provided by accredited or  
 23 approved programs in this country; or

24 [(d)] (D) From a military training program that the board specifies by rule to be qualified as a  
 25 nursing education program for a licensed practical nurse; or

26 [(2)] (b) If the applicant is an applicant for licensure by indorsement, the applicant:

27 [(a)] (A) Is currently or has been licensed as a licensed practical nurse in another state or ter-  
 28 ritory of the United States based upon recognition of the applicant's military education; or

29 [(b)] (B) Has graduated from a registered nurse or licensed practical nurse nursing education  
 30 program that included in its curriculum a clinical component, as defined by the board by rule.

31 **(2) The board shall issue, to a qualified applicant, a license under subsection (1)(b) of this**  
 32 **section not later than 30 days after the date on which the board receives an application for**  
 33 **a license under subsection (1)(b) of this section.**

34 **SECTION 25.** ORS 678.111, as amended by section 9, chapter 38, Oregon Laws 2022, is amended  
 35 to read:

36 678.111. In the manner prescribed in ORS chapter 183 for a contested case:

37 (1) The Oregon State Board of Nursing may refuse to issue a license to practice nursing by ex-  
 38 amination or indorsement or a nurse internship license or may revoke or suspend a license, issue  
 39 a limited license, censure or reprimand or place on probation, subject to any conditions imposed by  
 40 the board, a person issued a license, for any of the following causes:

41 (a) Conviction of the licensee of crime where the crime bears demonstrable relationship to the  
 42 practice of nursing. A copy of the record of the conviction, certified to by the clerk of the court  
 43 entering the conviction, shall be conclusive evidence of the conviction.

44 (b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level  
 45 for which the licensee is licensed.

1 (c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal of  
2 a license.

3 (d) Fraud or deceit of the licensee in the practice of nursing or in admission to the practice of  
4 nursing.

5 (e) Impairment as defined in ORS 676.303.

6 (f) Conduct derogatory to the standards of nursing.

7 (g) Violation of any provision of ORS 678.010 to 678.448 **or section 1 of this 2023 Act** or rules  
8 adopted under ORS 678.010 to 678.448 **or section 1 of this 2023 Act**.

9 (h) Revocation or suspension of a license to practice nursing by any state or territory of the  
10 United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that  
11 license or credential was relied upon in issuing that license in this state. A certified copy of the  
12 order of revocation or suspension shall be conclusive evidence of the revocation or suspension.

13 (i) Physical condition that makes the licensee unable to conduct safely the practice for which  
14 the licensee is licensed.

15 (j) Violation of any condition imposed by the board when issuing a limited license.

16 (2) A license may be denied, suspended or revoked for the reasons stated in subsection (1) of this  
17 section.

18 (3) A license in inactive status may be denied, suspended or revoked for the reasons stated in  
19 subsection (1) of this section.

20 (4) A license in retired status may be denied, suspended or revoked for any cause stated in  
21 subsection (1) of this section.

22 **SECTION 26.** ORS 678.117 is amended to read:

23 678.117. (1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the  
24 amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.448 **or section**  
25 **1 of this 2023 Act** or any rule of the board. No civil penalty shall exceed \$5,000.

26 (2) In imposing a penalty pursuant to this section, the board shall consider the following factors:

27 (a) The past history of the person incurring the penalty in observing the provisions of ORS  
28 678.010 to 678.448 **or section 1 of this 2023 Act** and the rules adopted pursuant thereto.

29 (b) The economic and financial conditions of the person incurring the penalty.

30 (3) Any penalty imposed under this section may be remitted or mitigated upon such terms and  
31 conditions as the board considers proper and consistent with the public health and safety.

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

33 (5) All penalties recovered under this section shall be credited to the special account described  
34 in ORS 678.170.

35 **SECTION 27.** ORS 678.150 is amended to read:

36 678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president,  
37 a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified.  
38 The board shall meet on the call of the president or as the board may require. Special meetings of  
39 the board may be called by the secretary upon the request of any three members. Five members  
40 constitute a quorum.

41 (2) The board shall adopt a seal which shall be in the care of the executive director.

42 (3) The board shall keep a record of all its proceedings and of all persons licensed and schools  
43 or programs approved under ORS 678.010 to 678.448 **and section 1 of this 2023 Act**. The records  
44 must at all reasonable times be open to public scrutiny.

45 (4) The executive director of the board may hire and define the duties of employees as necessary



1 to carry out the provisions of ORS 678.010 to 678.448 **and section 1 of this 2023 Act**. The executive  
2 director, with approval of the board, may employ special consultants. All salaries, compensation and  
3 expenses incurred or allowed shall be paid out of funds received by the board.

4 (5) The board shall determine the qualifications of applicants for a license to practice nursing  
5 in this state and establish educational and professional standards for such applicants subject to laws  
6 of this state.

7 (6) The board shall:

8 (a) Exercise general supervision over the practice of nursing in this state.

9 (b) Prescribe standards and approve curricula for nursing education programs preparing persons  
10 for licensing under ORS 678.010 to 678.448.

11 (c) Provide for surveys of nursing education programs as may be necessary.

12 (d) Approve nursing education programs that meet the requirements of ORS 678.010 to 678.448  
13 and of the board.

14 (e) Deny or withdraw approval from nursing education programs for failure to meet prescribed  
15 standards.

16 (f) Examine, license and renew the licenses of duly qualified applicants.

17 (g) Issue subpoenas for any records relevant to a board investigation, including patient and  
18 other medical records, personnel records applicable to nurses and nursing assistants, records of  
19 schools of nursing and nursing assistant training records and any other relevant records; issue  
20 subpoenas to persons for personal interviews relating to board investigations; compel the attendance  
21 of witnesses; and administer oaths or affirmations to persons giving testimony during an investi-  
22 gation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an  
23 applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS  
24 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the  
25 subpoena or for refusing to produce the material that is subject to the subpoena.

26 (h) Enforce the provisions of ORS 678.010 to 678.448 **and section 1 of this 2023 Act**, and incur  
27 necessary expenses for the enforcement.

28 (i) Adopt rules to prescribe:

29 (A) Standards for the delegation of patient care tasks by a registered nurse to a nursing as-  
30 sistant. The standards must specify that only a registered nurse may delegate the provision of  
31 nursing care. The standards must include rules governing the delegation of administration of  
32 medication, including of controlled substances, and other tasks ordered or prescribed by a nurse  
33 practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677.

34 (B) Standards for the delegation by a registered nurse of procedures ordered or prescribed by  
35 a nurse practitioner or clinical nurse specialist or a physician licensed under ORS chapter 677 to  
36 persons other than licensed nursing personnel in a community-based setting, as defined by the board.  
37 The rules must provide for the delegation of procedures related to administration of medication.

38 (j) Notify licensees at least annually of changes in legislative or board rules that affect the  
39 licensees. Notice may be by newsletter or other appropriate means.

40 (7) The board shall determine the scope of practice as delineated by the knowledge acquired  
41 through approved courses of education or through experience.

42 (8)(a) The board shall adopt rules regarding the provision of nursing care and various tasks re-  
43 lating to the administration of medication, including the administration of controlled substances, for  
44 the community-based settings described in subsection (6) of this section.

45 (b) The rules adopted under this subsection must:

1 (A) Provide for the delegation, to other than licensed nursing personnel, of tasks relating to the  
 2 administration of medication and patient care tasks that are ordered or prescribed by a physician  
 3 licensed under ORS chapter 677, a clinical nurse specialist or a nurse practitioner.

4 (B) Specify that the delegation must occur under the procedural guidance, initial direction and  
 5 periodic inspection and evaluation of the physician, clinical nurse specialist, nurse practitioner or  
 6 registered nurse.

7 (C) Specify that the provision of nursing care may be delegated only by a registered nurse.

8 (D) Determine sites in addition to the facilities described in this subsection where the delegation  
 9 of nursing tasks and administration of medication may occur.

10 (9) The board may require applicants, licensees and certificate holders under ORS 678.010 to  
 11 **678.448 or section 1 of this 2023 Act** to provide to the board data concerning the individual's  
 12 nursing employment and education.

13 (10) For the purpose of requesting a state or nationwide criminal records check under ORS  
 14 181A.195, the board may require the fingerprints of a person who is:

15 (a) Applying for a license or certificate that is issued by the board;

16 (b) Applying for renewal of a license or certificate that is issued by the board; or

17 (c) Under investigation by the board.

18 (11) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the pro-  
 19 visions of ORS 678.010 to 678.448.

20 **SECTION 28.** ORS 678.170 is amended to read:

21 678.170. (1) All money received by the Oregon State Board of Nursing under ORS 678.010 to  
 22 678.448 shall be paid into the General Fund in the State Treasury and placed to the credit of the  
 23 Oregon State Board of Nursing Account. Such moneys are appropriated continuously **to the Oregon**  
 24 **State Board of Nursing** and shall be used only for the administration and enforcement of ORS  
 25 676.850, 676.860 and 678.010 to 678.448 **and section 1 of this 2023 Act.**

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

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

32 **SECTION 29.** ORS 678.410 is amended to read:

33 678.410. (1) The Oregon State Board of Nursing may establish and collect fees necessary to carry  
 34 out the provisions of ORS 678.010 to 678.448 **and section 1 of this 2023 Act.**

35 (2) Fees are nonrefundable.

36 (3)(a) The board shall obtain approval from the Oregon Department of Administrative Services  
 37 and submit a report to the Emergency Board prior to establishing fees under this section.

38 (b) A fee established and collected under this section may not exceed the cost of administering  
 39 a regulatory program for which the fee is established and collected, as authorized by the Legislative  
 40 Assembly within the Oregon State Board of Nursing budget, subject to modification by the Emer-  
 41 gency Board.

42 (c) If federal or other funds are available to offset costs of administering the program, fees shall  
 43 be established based on net costs to the state but may not exceed \$75 per biennium for a nursing  
 44 assistant certification.

45 **SECTION 30.** ORS 678.448 is amended to read:

1 678.448. (1) Except as provided in subsection (2) of this section, an individual may not use the  
 2 title “Certified Nursing Assistant,” “nursing assistant” or “nurse aide” or the abbreviation “CNA”  
 3 unless the individual:

4 (a) Has successfully completed a program approved by the Oregon State Board of Nursing under  
 5 ORS 678.444; and

6 (b) Is certified under ORS 678.442 **or section 1 of this 2023 Act.**

7 (2) An individual who is currently enrolled in a program approved by the board under ORS  
 8 678.444 may use the title “student nursing assistant.”

9 (3) An individual who has successfully completed a program approved by the board under ORS  
 10 678.444 and who is employed by a nursing facility, as defined by the board by rule, may use the title  
 11 “nursing assistant” or “nurse aide” for a period of up to 120 days beginning on the date the nursing  
 12 facility hired the individual.

13 **SECTION 31.** ORS 678.770 is amended to read:

14 678.770. (1) The Long Term Care Administrators Board may establish by rule standards for the  
 15 issuance of a nursing home administrator or residential care facility administrator license by  
 16 endorsement to an applicant who:

17 (a) Meets the requirements as established by the board; and

18 (b) On the date of making application, is a nursing home administrator or residential care fa-  
 19 cility administrator licensed under the laws of any other state or territory of the United States if  
 20 the requirements for licensing of nursing home administrators or residential care facility adminis-  
 21 trators in the state or territory in which the applicant is licensed are not less than those required  
 22 by ORS 678.710 to 678.820.

23 (2) An applicant under this section shall pay to the Health Licensing Office at the time of filing  
 24 the application the applicable fees established under ORS 676.576.

25 **(3) The office shall issue, to a qualified applicant, a license under this section not later**  
 26 **than 30 days after the date on which the office receives an application for a license.**

27 **SECTION 32.** ORS 679.060 is amended to read:

28 679.060. (1) [*Any person desiring*] **In order** to practice dentistry in this state, **a person** shall file  
 29 an application with the Oregon Board of Dentistry.

30 (2) At the time of making the application, the applicant shall:

31 (a) Pay to the board the required application and examination fee.

32 (b) Furnish the board with evidence satisfactory to the board of details of any convictions re-  
 33 corded in any police records. Such details are subject to the findings required by ORS 670.280.

34 (c) Present to the board a diploma or evidence satisfactory to the board of having graduated  
 35 from an accredited dental education program approved by the board.

36 (3)(a) If an applicant has been in practice in another state or states, the applicant shall furnish  
 37 an affidavit from the secretary of the board of dental examiners or similar body of [*such*] **the other**  
 38 state or states that the applicant has been engaged in the legal practice of dentistry in [*such*] **the**  
 39 state or states for a period of time prescribed by the rules of the Oregon Board of Dentistry.

40 **(b) The board shall issue a license to a qualified applicant described in this subsection**  
 41 **not later than 30 days after the date on which the board receives an application from the**  
 42 **applicant.**

43 (4) The board may refuse to issue a license to or renew a license of an applicant who has been  
 44 convicted of a violation of the law if the board makes the findings required by ORS 670.280. A cer-  
 45 tified copy of the record of conviction is conclusive evidence of conviction.

1 (5) The board may refuse to issue a license to or renew a license of an applicant who has been  
 2 disciplined by a state licensing or regulatory agency of this or another state regarding any health  
 3 care profession when, in the judgment of the board, the act or conduct resulting in the disciplinary  
 4 action bears a demonstrable relationship to the ability of the licensee or applicant to practice  
 5 dentistry in accordance with the provisions of this chapter. A certified copy of the record of the  
 6 disciplinary action is conclusive evidence of the disciplinary action.

7 (6) The board may refuse to issue a license to or renew a license of an applicant who has fal-  
 8 sified a license application, or any person for any cause described under ORS 679.140 or 679.170.

9 (7) Fees paid are not refundable.

10 **SECTION 33.** ORS 679.603 is amended to read:

11 679.603. (1) The Oregon Board of Dentistry shall issue a license to practice dental therapy to  
 12 an applicant who:

- 13 (a) Is at least 18 years of age;
- 14 (b) Submits to the board a completed application form;
- 15 (c) Demonstrates the completion of a dental therapy education program;
- 16 (d) Passes an examination described in ORS 679.606; and
- 17 (e) Pays the application and licensure fees established by the board.

18 (2)(a) An individual who completed a dental therapy education program in another state or ju-  
 19 risdiction may apply for licensure under this section if the dental therapy education program is ac-  
 20 credited by the Commission on Dental Accreditation of the American Dental Association, or its  
 21 successor organization.

22 (b) The board shall determine whether the training and education of an applicant described in  
 23 this subsection is sufficient to meet the requirements of subsection (1) of this section.

24 (3)(a) If an applicant holds a current or expired authorization to practice dental therapy issued  
 25 by another state, the federal government or a tribal authority, the applicant shall include with the  
 26 application a copy of the authorization and an affidavit from the dental regulatory body of the other  
 27 jurisdiction that demonstrates the applicant was authorized to practice dental therapy in that ju-  
 28 risdiction.

29 **(b) The board shall issue a license to a qualified applicant described in this subsection**  
 30 **not later than 30 days after the date on which the board receives an application for a license.**

31 **SECTION 34.** ORS 679.603, as amended by section 3a, chapter 530, Oregon Laws 2021, is  
 32 amended to read:

33 679.603. (1) The Oregon Board of Dentistry shall issue a license to practice dental therapy to  
 34 an applicant who:

- 35 (a) Is at least 18 years of age;
- 36 (b) Submits to the board a completed application form;
- 37 (c) Demonstrates:

38 (A) The completion of a dental therapy education program that is accredited by the Commission  
 39 on Dental Accreditation of the American Dental Association, or its successor organization, and ap-  
 40 proved by the board by rule; or

- 41 (B) That the applicant is or was a participant in a dental pilot project;
- 42 (d) Passes an examination described in ORS 679.606; and
- 43 (e) Pays the application and licensure fees established by the board.

44 (2)(a) An individual who completed a dental therapy education program in another state or ju-  
 45 risdiction may apply for licensure under this section if the dental therapy education program is ac-

1 credited by the Commission on Dental Accreditation of the American Dental Association, or its  
 2 successor organization.

3 (b) The board shall determine whether the training and education of an applicant described in  
 4 this subsection is sufficient to meet the requirements of subsection (1) of this section.

5 (3)(a) If an applicant holds a current or expired authorization to practice dental therapy issued  
 6 by another state, the federal government or a tribal authority, the applicant shall include with the  
 7 application a copy of the authorization and an affidavit from the dental regulatory body of the other  
 8 jurisdiction that demonstrates the applicant was authorized to practice dental therapy in that ju-  
 9 risdiction.

10 (b) **The board shall issue a license to a qualified applicant described in this subsection**  
 11 **not later than 30 days after the date on which the board receives an application for a license.**

12 **SECTION 35.** ORS 680.050 is amended to read:

13 680.050. (1) [*Any person desiring*] **In order** to practice dental hygiene in this state, **a person**  
 14 shall file an application with the Oregon Board of Dentistry.

15 (2) At the time of making application, the applicant shall:

16 (a) Pay to the board the required application and examination fee.

17 (b) Furnish the board with evidence satisfactory to the board of details of any convictions re-  
 18 corded in any police records. Such details are subject to the findings required by ORS 670.280.

19 (c) Present to the board a diploma or evidence satisfactory to the board of having graduated  
 20 from an accredited dental hygiene program approved by the board.

21 (3)(a) If an applicant has been in practice in another state or states the applicant shall furnish  
 22 an affidavit from the board of dental examiners or similar body of [*such*] **the other** state or states  
 23 that the applicant has been engaged in the legal practice of dental hygiene in [*such*] **the** state or  
 24 states for a period of time prescribed by the rules of the Oregon Board of Dentistry.

25 (b) **The board shall issue a license to a qualified applicant described in this subsection**  
 26 **not later than 30 days after the date on which the board receives an application for a license.**

27 (4) The board may refuse to issue a license to or renew a license of an applicant who has been  
 28 convicted of a violation of law if the board makes the findings required by ORS 670.280. A certified  
 29 copy of the record of conviction is conclusive evidence of conviction.

30 (5) The board may refuse to issue a license to or renew a license of an applicant who has been  
 31 disciplined by a state licensing or regulatory agency of this or another state regarding any health  
 32 care profession when, in the judgment of the board, the acts or conduct resulting in the disciplinary  
 33 action bears a demonstrable relationship to the ability of the licensee or applicant to practice dental  
 34 hygiene in accordance with the provisions of ORS 680.010 to 680.205. A certified copy of the record  
 35 of the disciplinary action is conclusive evidence of the disciplinary action.

36 (6) The board may refuse to issue a license to or renew a license of an applicant who has fal-  
 37 sified a license application, or any person for any cause described under ORS 679.140 or 679.170.

38 (7) Fees paid are not refundable.

39 **SECTION 36.** ORS 681.205 is amended to read:

40 681.205. As used in this chapter, unless the context requires otherwise:

41 (1) "Approved college or university" means a college or university offering a graduate program  
 42 of study in speech-language pathology or audiology, leading to a master's or doctoral degree, that  
 43 is fully accredited or conditionally approved by the American Speech-Language-Hearing Association,  
 44 or its successor agency, or has been otherwise determined by the State Board of Examiners for  
 45 Speech-Language Pathology and Audiology to meet the association standards as incorporated into

1 board rules.

2 (2) “Audiologist” means a person who practices audiology and who uses publicly any title or  
 3 description of services incorporating the words “audiologist,” “hearing clinician,” “hearing  
 4 therapist” or any similar titles or descriptions of service.

5 (3) “Conditional license” means a license issued to an applicant under ORS 681.325.

6 (4) “Practice audiology” means:

7 (a) To apply the principles, methods and procedures of measurement, prediction, evaluation,  
 8 testing, counseling, consultation and instruction that relate to the development and disorders of  
 9 hearing, vestibular functions and related language and speech disorders to prevent or modify the  
 10 disorders or to assist individuals in auditory and related skills for communication.

11 (b) To fit or sell hearing aids.

12 (5) “Practice speech-language pathology” means to apply the principles, methods and procedures  
 13 of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate  
 14 to the development and disorders of speech, voice, swallowing and related language and hearing  
 15 disorders to prevent or modify the disorders or to assist individuals in cognition-language and com-  
 16 munication skills.

17 (6) “Speech-language pathologist” means a person who practices speech-language pathology and  
 18 who uses publicly any title or description of services including but not limited to the words  
 19 “speech-language pathologist,” “speech correctionist,” “speech therapist,” “speech clinician,” “lan-  
 20 guage pathologist,” “language therapist” or any similar titles or descriptions of services.

21 (7) “Speech-language pathology assistant” means a person who provides speech-language  
 22 pathology services under the direction and supervision of a speech-language pathologist licensed  
 23 under ORS 681.250 **or section 1 of this 2023 Act.**

24 (8) “Unethical conduct” means:

25 (a) Obtaining any fee by fraud or misrepresentation.

26 (b) Employing directly or indirectly any person who is unlicensed or whose license is suspended  
 27 to perform any work covered by this chapter.

28 (c) Using or causing or promoting the use of any advertising matter, promotional literature,  
 29 testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however dis-  
 30 seminated or published, that is misleading, deceiving, improbable or untruthful.

31 (d) Representing that the services or advice of a person licensed to practice medicine will be  
 32 used or made available in the practice of speech-language pathology or audiology if that is not true,  
 33 or using the word “doctor” or “professor” or other like words, abbreviations, or symbols inaccurately.  
 34

35 (e) Permitting a person other than the license or conditional license holder to use the license  
 36 or conditional license.

37 (f) Violating the ethical standards of practice adopted by the board under ORS 681.420.

38 **SECTION 37.** ORS 681.230 is amended to read:

39 681.230. (1) Without obtaining a license under this chapter **or section 1 of this 2023 Act**, a  
 40 person may use a procedure included in the practice of speech-language pathology or audiology if  
 41 the procedure is within the person’s scope of practice and the person is:

42 (a) Licensed by a health professional regulatory board as defined in ORS 676.160;

43 (b) Performing basic audiometric testing under the supervision of a physician licensed under  
 44 ORS chapter 677 or a naturopathic physician licensed under ORS chapter 685 and representing that  
 45 the person is a medical assistant or audiology assistant;

1 (c) A teacher who is licensed by the Teacher Standards and Practices Commission and who  
 2 holds a hearing impaired endorsement issued by the commission;

3 (d) A student participating in supervised field work or supervised course work in speech-  
 4 language pathology or audiology as part of a college or university program approved by the State  
 5 Board of Examiners for Speech-Language Pathology and Audiology; or

6 (e) A student taking an undergraduate course in speech-language pathology approved by the  
 7 board.

8 (2) A person practicing speech-language pathology or audiology without a license under sub-  
 9 section (1) of this section may not represent or imply that the person is a speech-language  
 10 pathologist, speech-language pathology assistant or audiologist.

11 (3) A person practicing speech-language pathology or audiology without a license under sub-  
 12 section (1)(d) or (e) of this section:

13 (a) Must use a title that indicates that the person is a student trainee.

14 (b) May not be paid for speech-language pathology or audiology services provided by the person,  
 15 except that the person may be provided a reasonable educational stipend.

16 (4) Without obtaining a license under this chapter **or section 1 of this 2023 Act**, a person may:

17 (a) Consult with or disseminate the person's research findings and scientific information to an  
 18 accredited academic institution or a governmental agency; and

19 (b) Offer lectures to the public for a fee, monetary or otherwise.

20 **SECTION 38.** ORS 681.250 is amended to read:

21 681.250. (1) A license shall be issued to qualified persons either in speech-language pathology  
 22 or audiology. A person may be licensed in both areas if the person meets the respective qualifica-  
 23 tions and in such instances the license fee shall be as though for one license.

24 (2) *[No person shall]* **A person may not** practice speech-language pathology or audiology or  
 25 purport to be a speech-language pathologist or audiologist in this state unless the person is licensed  
 26 in accordance with the provisions of this chapter **or section 1 of this 2023 Act**.

27 **SECTION 39.** ORS 681.340 is amended to read:

28 681.340. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may,  
 29 by rule, impose fees for the following:

30 (a) License or certificate fee and renewal thereof.

31 (b) Delinquency fee.

32 (c) Application fee.

33 (d) Inactive license fee.

34 (e) Conditional license fee and renewal thereof.

35 (f) Temporary license or certificate fee and renewal thereof.

36 (2) Every person to whom a license is issued shall, as a condition precedent to its issuance, and  
 37 in addition to any application, examination or other fee, pay the prescribed initial license fee. The  
 38 board may, by rule, provide for waiver of *[such]* **the initial license** fee *[where]* **if** the license is is-  
 39 sued less than 45 days before the date on which *[it]* **the license** will expire.

40 (3) Fees established by the board under subsection (1) of this section shall be in accordance with  
 41 ORS 291.050 to 291.060.

42 (4) The fees collected by the board are exclusive and a municipality may not require any person  
 43 licensed under the provisions of this chapter **or section 1 of this 2023 Act** to furnish any bond or  
 44 pass any examination.

45 **SECTION 40.** ORS 681.350 is amended to read:

1 681.350. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may  
 2 refuse to issue or renew any license or conditional license, may suspend or revoke any license or  
 3 conditional license, may reprimand any licensee or conditional licensee or may place any licensee  
 4 or conditional licensee on probation if the applicant, licensee or conditional licensee has:

5 (a) Obtained or attempted to obtain a license or conditional license by means of fraud, misrep-  
 6 resentation, or concealment of material facts.

7 (b) Violated any ethical standards of practice established under ORS 681.420.

8 (c) Violated any lawful order or rule of the board.

9 (d) Violated any provisions of this chapter **or section 1 of this 2023 Act**.

10 (e) Been disciplined by a professional licensing board in another state or in this state.

11 (f) An impairment as defined in ORS 676.303.

12 (2) An applicant, a licensee or a conditional licensee is entitled to an opportunity for a hearing  
 13 that complies with all applicable requirements of ORS chapter 183 before the board takes final  
 14 action under subsection (1) of this section.

15 (3) A person whose license has been revoked or whose application for a license has been denied  
 16 may apply for reinstatement or licensure only under conditions, if any, set forth in the board's final  
 17 order of revocation or denial of license.

18 (4) In disciplining a licensee or a conditional licensee, the board may impose any disciplinary  
 19 action the board finds proper, including assessment of costs of the disciplinary proceedings as a civil  
 20 penalty.

21 **SECTION 41.** ORS 681.360 is amended to read:

22 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or  
 23 use the title speech-language pathology assistant without a certificate to do so issued under this  
 24 section **or section 1 of this 2023 Act**.

25 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a  
 26 person shall:

27 (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-  
 28 Language Pathology and Audiology;

29 (b) Pay the certificate fee established by the board;

30 (c) Demonstrate that the person meets the qualifications for certification established by the  
 31 board; and

32 (d) Comply with all other requirements for certification established by the board.

33 (3) A certificate issued under this section expires every two years. To renew a certificate to  
 34 perform the duties of a speech-language pathology assistant, a person shall:

35 (a) Submit the renewal application in the form prescribed by the board;

36 (b) Pay the renewal fee established by the board; and

37 (c) Comply with all other requirements for certificate renewal established by the board, includ-  
 38 ing but not limited to submission of evidence of participation in professional development activities.

39 (4) A person may not employ or otherwise use the services of a speech-language pathology as-  
 40 sistant unless the speech-language pathology assistant is certified under this section **or section 1**  
 41 **of this 2023 Act**.

42 (5) The board may establish by rule qualifications and conditions under which a person not li-  
 43 censed under this chapter **or section 1 of this 2023 Act** who holds a preliminary teaching license  
 44 or professional teaching license in speech impaired or a preliminary teaching license, professional  
 45 teaching license or distinguished teacher leader license in communication disorders issued by the



1 Teacher Standards and Practices Commission may supervise a speech-language pathology assistant  
 2 working in a school.

3 (6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any  
 4 certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

5 **SECTION 42.** ORS 681.370 is amended to read:

6 681.370. A speech-language pathologist who employs or otherwise uses the services of a  
 7 speech-language pathology assistant shall:

8 (1) Be responsible for the extent, type and quality of services provided by each speech-language  
 9 pathology assistant supervised by the speech-language pathologist;

10 (2) Ensure that persons who receive services from a speech-language pathology assistant receive  
 11 prior notification that services are to be provided by a speech-language pathology assistant; and

12 (3) Verify that the speech-language pathology assistant is certified under ORS 681.360 **or sec-**  
 13 **tion 1 of this 2023 Act.**

14 **SECTION 43.** ORS 681.420 is amended to read:

15 681.420. The State Board of Examiners for Speech-Language Pathology and Audiology shall:

16 (1) Administer, coordinate and enforce the provisions of this chapter;

17 (2) Evaluate the qualifications of applicants for any license as issued under this chapter **or**  
 18 **section 1 of this 2023 Act** and supervise the examination of [*such*] **the** applicants;

19 (3) Investigate persons engaging in practices which violate the provisions of this chapter **or**  
 20 **section 1 of this 2023 Act;**

21 (4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly  
 22 dispatch of business;

23 (5) Adopt rules and regulations, including but not limited to governing ethical standards of  
 24 practice under this chapter; and

25 (6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the pro-  
 26 ceedings, records and acts of the board, signed by the executive director or chairperson of the board  
 27 and stamped with the seal, shall be prima facie evidence of the truth of such documents.

28 **SECTION 44.** ORS 681.480 is amended to read:

29 681.480. The State Board of Examiners for Speech-Language Pathology and Audiology Account  
 30 is established in the State Treasury, separate and distinct from the General Fund. All moneys re-  
 31 ceived by the State Board of Examiners for Speech-Language Pathology and Audiology under this  
 32 chapter shall be deposited into the account and are continuously appropriated to the board for the  
 33 administration and enforcement of this chapter and ORS 676.850 **and section 1 of this 2023 Act.**  
 34 Any interest or other income from moneys in the account shall be credited to the account.

35 **SECTION 45.** ORS 681.490 is amended to read:

36 681.490. (1) The State Board of Examiners for Speech-Language Pathology and Audiology:

37 (a) May, upon its own motion, investigate any alleged violation of this chapter **or section 1 of**  
 38 **this 2023 Act.**

39 (b) Shall, upon the complaint of any resident of this state, investigate any alleged violation of  
 40 this chapter **or section 1 of this 2023 Act.**

41 (2) In the conduct of investigations, the board may:

42 (a) Take evidence;

43 (b) Take the depositions of witnesses, including the person charged, in the manner provided by  
 44 law in civil cases;

45 (c) Compel the appearance of witnesses, including the person charged, before the board in per-

1 son the same as in civil cases;

2 (d) Require answers to interrogatories; and

3 (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the  
4 matter under investigation.

5 (3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas  
6 over the signature of the board chairperson, vice chairperson or executive director and the seal of  
7 the board in the name of the State of Oregon.

8 (4) The board may bring a cause of action for injunction or other appropriate remedy to enforce  
9 any provision of this chapter **or section 1 of this 2023 Act**.

10 (5) In addition to or in lieu of any other sanction permitted under this chapter, the board may  
11 impose a civil penalty of up to \$5,000 for each violation of the provisions of this chapter **or section**  
12 **1 of this 2023 Act** or rules adopted by the board under this chapter **or section 1 of this 2023**  
13 **Act**. A civil penalty imposed under this section shall be imposed in the manner provided in ORS  
14 183.745.

15 **SECTION 46.** ORS 681.495 is amended to read:

16 681.495. Upon receipt of a complaint under this chapter **or section 1 of this 2023 Act**, the State  
17 Board of Examiners for Speech-Language Pathology and Audiology shall conduct an investigation  
18 as described under ORS 676.165.

19 **SECTION 47.** ORS 681.505 is amended to read:

20 681.505. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health  
21 information prohibit disclosure, a licensee of the State Board of Examiners for Speech-Language  
22 Pathology and Audiology shall report any suspected violation of this chapter **or section 1 of this**  
23 **2023 Act** or any prohibited conduct as defined in ORS 676.150 in the manner provided in ORS  
24 676.150.

25 (b) Any person may report to the board any suspected violation of this chapter **or section 1**  
26 **of this 2023 Act**.

27 (2) A person who has made a complaint as to the conduct of an applicant, licensee or conditional  
28 licensee of the board or who has given information or testimony relative to a proposed or pending  
29 proceeding for misconduct against the applicant, licensee or conditional licensee of the board is not  
30 answerable for any such act in any proceeding except for perjury.

31 **SECTION 48.** ORS 682.216 is amended to read:

32 682.216. (1) When application has been made as required under ORS 682.208, the Oregon Health  
33 Authority shall license the applicant as an emergency medical services provider if it finds:

34 (a) The applicant has successfully completed a training course approved by the authority.

35 (b) The applicant meets the physical and mental qualifications required under ORS 682.208.

36 (c) No matter has been brought to the attention of the authority which would disqualify the  
37 applicant.

38 (d) A nonrefundable fee has been paid to the authority pursuant to ORS 682.212.

39 (e) The applicant for an emergency medical services provider license:

40 (A) Is 18 years of age or older if the applicant is applying for a license at a level higher than  
41 emergency medical responder; or

42 (B) Is 16 years of age or older if the applicant is applying for a license at the emergency medical  
43 responder level.

44 (f) The applicant has successfully completed examination as prescribed by the authority.

45 (g) The applicant meets other requirements prescribed by rule of the authority.

1 (2) The authority may provide for the issuance of a provisional license for emergency medical  
2 services providers.

3 (3)(a) The authority may issue an emergency medical services provider license by indorsement  
4 without proof of completion of an approved training course to an emergency medical services pro-  
5 vider who is licensed to practice emergency care in another state of the United States or a foreign  
6 country if, in the opinion of the authority, the applicant meets the requirements for licensure in this  
7 state and can demonstrate to the satisfaction of the authority competency to practice emergency  
8 care. The authority is the sole judge of credentials of any emergency medical services provider ap-  
9 plying for licensure without proof of completion of an approved training course.

10 **(b) The authority shall issue, to a qualified applicant, a license under this subsection not**  
11 **later than 30 days after the date on which the authority receives an application for a license.**

12 (4) A person licensed under this section shall submit, at the time of application for renewal of  
13 the license to the authority, evidence of the applicant's satisfactory completion of an authority ap-  
14 proved program of continuing education and other requirements prescribed by rule by the authority.

15 (5) The authority shall prescribe criteria and approve programs of continuing education in  
16 emergency and nonemergency care to meet the requirements of this section.

17 (6) The authority shall include a fee pursuant to ORS 682.212 for late renewal and for issuance  
18 of any duplicate license. Each license issued under this section, unless sooner suspended or revoked,  
19 expires and is renewable after a period of two years. Each license must be renewed on or before  
20 June 30 of every second year or on or before such date as may be specified by authority rule. The  
21 authority by rule shall establish a schedule of license renewals under this subsection and shall  
22 prorate the fees to reflect any shorter license period.

23 (7) Nothing in this chapter authorizes an emergency medical services provider to operate an  
24 ambulance without a driver license as required under the Oregon Vehicle Code.

25 **SECTION 49.** ORS 682.218 is amended to read:

26 682.218. (1) The Oregon Health Authority shall adopt rules to allow an applicant for licensure  
27 by indorsement as an emergency medical services provider to substitute experience and certification  
28 by a national registry of emergency medical services providers for education requirements imposed  
29 by the authority.

30 **(2) The authority shall issue, to a qualified applicant, a license under this section not**  
31 **later than 30 days after the date on which the authority receives an application for a license.**

32 **SECTION 50.** ORS 683.220 is amended to read:

33 683.220. (1) The Oregon Board of Optometry may grant to an applicant a license by endorsement  
34 for the practice of optometry in the State of Oregon if the applicant:

35 [(1)] (a) Holds a license for the practice of optometry obtained by examination in another state  
36 of the United States. Any discipline or sanction related to the practice of optometry imposed upon  
37 the applicant by any state licensing agency must be disclosed on the application for licensure;

38 [(2)] (b) Continuously engaged in the practice of optometry for not less than two years imme-  
39 diately preceding the application to the board;

40 [(3)] (c) Has educational qualifications the board considers equivalent to the educational re-  
41 quirements necessary for licensing by the board at the time the applicant commenced the practice  
42 of optometry. The educational requirements shall include passing the National Board of Examiners  
43 in Optometry examination or its equivalent, as determined by the board;

44 [(4)] (d) Meets the requirements for Therapeutic Pharmaceutical Agent certification established  
45 by rule by the board;

1        [(5)] (e) Passes a written examination approved by the board on Oregon optometric law and  
 2 administrative rules;

3        [(6)] (f) Submits documentation satisfactory to the board of continuing optometric education  
 4 hours equivalent to the requirements established by ORS 683.210; and

5        [(7)] (g) Pays the application fee set by the board.

6        **(2) The board shall issue, to a qualified applicant, a license under this section not later  
 7 than 30 days after the date on which the board receives an application for a license.**

8        **SECTION 51.** ORS 684.060 is amended to read:

9        684.060. (1) A person licensed to practice chiropractic under the laws of another state who  
 10 demonstrates to the satisfaction of the State Board of Chiropractic Examiners that the person pos-  
 11 sesses qualifications at least equal to those required of persons eligible for licensing under this  
 12 chapter and who meets the requirements of ORS 684.040 may be issued a license to practice  
 13 chiropractic in this state without examination upon payment of a fee established by the board by  
 14 rule.

15        (2) The board may fix the minimum number of years of practice under the laws of another state  
 16 required to qualify for a license under this section.

17        **(3) The board shall issue, to a qualified applicant, a license under this section not later  
 18 than 30 days after the date on which the board receives an application for a license.**

19        **SECTION 52.** ORS 685.085 is amended to read:

20        685.085. (1) A person licensed to practice naturopathic medicine under the laws of another state  
 21 or territory of the United States, the District of Columbia or Canada who demonstrates to the sat-  
 22 isfaction of the Oregon Board of Naturopathic Medicine that the person possesses qualifications at  
 23 least equal to those required of persons eligible for licensing under this chapter may be issued a  
 24 license to practice in this state without written examination upon payment of the license fee re-  
 25 quired under ORS 685.100.

26        **(2) The board shall issue, to a qualified applicant, a license under this section not later  
 27 than 30 days after the date on which the board receives an application for a license.**

28        **SECTION 53.** ORS 687.057 is amended to read:

29        687.057. (1) The State Board of Massage Therapists may license by indorsement or reciprocity  
 30 any individual who applies, meets the requirements established by the board and, on the date of  
 31 making application, is a massage therapist licensed under the laws of any other state or territory  
 32 of the United States or by a foreign country if the requirements in the state, territory or country  
 33 where the applicant is licensed are not less than those required in ORS 687.011 to 687.250, 687.895  
 34 and 687.991. The board shall adopt rules for determining the necessity of an examination based on  
 35 educational preparation, successful completion of other examinations, work experience and the  
 36 number of years in active practice of massage.

37        (2) The board may license by indorsement any individual who applies and successfully completes  
 38 a practical examination if the individual is already licensed under a law of this state to do an act  
 39 included in the definition of massage in ORS 687.011.

40        (3) The board may enter into an agreement with the appropriate regulatory body of any other  
 41 state, territory or foreign country for reciprocal licensing if the board determines that the quali-  
 42 fications and standards of the other state, territory or foreign country are not less than those re-  
 43 quired in ORS 687.011 to 687.250, 687.895 and 687.991.

44        **(4) The board shall issue, to a qualified applicant, a license under this section not later  
 45 than 30 days after the date on which the board receives an application for a license.**

1        **SECTION 54.** ORS 687.430 is amended to read:

2        687.430. (1) A person licensed to practice direct entry midwifery under the laws of another state  
 3 who demonstrates to the satisfaction of the Health Licensing Office that the person has passed a  
 4 written examination at least equal to the written examination required of persons eligible for  
 5 licensure under ORS 687.405 to 687.495 may have the written examination waived pursuant to  
 6 standards of the State Board of Direct Entry Midwifery.

7        **(2) The office shall issue, to a person described in subsection (1) of this section, a license**  
 8 **under this section not later than 30 days after the date on which the office receives an ap-**  
 9 **plication for a license.**

10       **SECTION 55.** ORS 688.080 is amended to read:

11       688.080. (1) The Oregon Board of Physical Therapy may license as a physical therapist or license  
 12 as a physical therapist assistant, without examination, any person who:

13       (a) Applies for a license as provided in ORS 688.040;

14       (b) Is of good moral character as determined by the board; and

15       (c) On the date of making application, is a physical therapist or physical therapist assistant who  
 16 has a valid unrestricted license from any other state or territory of the United States if the re-  
 17 quirements for licensing of physical therapists or physical therapist assistants in the state or terri-  
 18 tory in which the applicant is licensed are substantially equivalent to Oregon's licensure  
 19 requirements and the applicant passed to the satisfaction of the examiner of such state or territory  
 20 a written examination that is approved by the board of this state.

21       (2) Each applicant under this section shall pay a fee to the board at the time of filing the ap-  
 22 plication.

23       **(3) The board shall issue, to a qualified applicant, a license under this section not later**  
 24 **than 30 days after the date on which the board receives an application for a license.**

25       **SECTION 56.** ORS 688.415 is amended to read:

26       688.415. (1) A person may not:

27       (a) Practice a medical imaging modality or purport to be a medical imaging licensee unless the  
 28 person is licensed in accordance with the provisions of ORS 688.405 to 688.605 **or section 1 of this**  
 29 **2023 Act;**

30       (b) Operate an X-ray machine as described in ORS 688.515 (1) and (2) or purport to be a limited  
 31 X-ray machine operator unless the person holds a valid limited X-ray machine operator permit in  
 32 accordance with the provisions of ORS 688.405 to 688.605 **or section 1 of this 2023 Act;**

33       (c) Practice any medical imaging modality or as a limited X-ray machine operator under a false  
 34 or assumed name;

35       (d) Employ a person for the purpose of practicing a medical imaging modality or as a limited  
 36 X-ray machine operator if the employer knows, or with the exercise of reasonable care should know,  
 37 that the person is not licensed or does not hold a valid permit in accordance with the provisions  
 38 of ORS 688.405 to 688.605 **or section 1 of this 2023 Act;**

39       (e) Obtain or attempt to obtain a license or permit or a renewal of a license or permit by bribery  
 40 or fraudulent representation;

41       (f) Make a false statement on an application for a license or permit or a renewal for a license  
 42 or permit if the person knows, or with the exercise of reasonable care should know, that the state-  
 43 ment is false; or

44       (g) Perform a medical imaging procedure on a person unless the procedure:

45       (A) Serves a medical purpose;

1 (B) Is ordered by a health care practitioner who is licensed to practice a profession in this state  
 2 and who is acting within the scope of the licensee’s authority, as determined by the agency that li-  
 3 censed the licensee, to order the medical imaging procedure; and

4 (C) Is interpreted by a health care practitioner who is licensed to practice a profession in this  
 5 state and who is acting within the scope of the licensee’s authority, as determined by the agency  
 6 that licensed the licensee, to interpret the medical imaging procedure.

7 (2) Subsection (1)(g) of this section does not apply to screening mammography. As used in this  
 8 subsection, “screening mammography” means a radiologic procedure performed on a woman for the  
 9 early detection of breast cancer.

10 **SECTION 57.** ORS 688.425 is amended to read:

11 688.425. (1) A person licensed in one of the medical imaging modalities in accordance with the  
 12 provisions of ORS 688.405 to 688.605 **or section 1 of this 2023 Act** may use the identifying titles  
 13 and initials of the person’s credentialing organization.

14 (2) A person who holds a permit as a limited X-ray machine operator issued under ORS 688.515  
 15 **or section 1 of this 2023 Act** may use the title of “Limited X-ray Machine Operator” or the letters  
 16 “LXMO.”

17 (3) A person may not use credential titles, abbreviations of credential titles or initials resembl-  
 18 ing credential titles unless the person is authorized as provided in this section.

19 **SECTION 58.** ORS 688.495 is amended to read:

20 688.495. (1) The Board of Medical Imaging may license as a radiographer, without examination,  
 21 any person who:

22 [(1)] (a) Applies for a license as provided in ORS 688.455; and

23 [(2)] (b) On the date of making application is a radiographer under the laws of any other state,  
 24 territory of the United States or nation, if the requirements for licensure in that state, territory or  
 25 nation are not less stringent than those required under ORS 688.405 to 688.605 and the applicant  
 26 passed a written examination in that state, territory or nation that is comparable to the examination  
 27 required in this state for the category or categories for which licensure is sought.

28 **(2) The board shall issue, to a qualified applicant, a license under this section not later**  
 29 **than 30 days after the date on which the board receives an application for a license.**

30 **SECTION 59.** ORS 688.525 is amended to read:

31 688.525. (1) The Board of Medical Imaging, after notice of and hearing as required under the  
 32 contested case procedures of ORS chapter 183, may take any of the following actions against a  
 33 person described in subsection (2) of this section:

34 (a) Refuse to issue a license or permit to any applicant;

35 (b) Refuse to renew the license of any medical imaging licensee or the permit of a limited X-ray  
 36 machine operator;

37 (c) Suspend or revoke a license or permit issued by the board;

38 (d) Issue a letter of reprimand to a licensee or permittee of the board; or

39 (e) Impose probation upon a licensee or permittee of the board.

40 (2) The board may take any of the actions described in subsection (1) of this section against a  
 41 person who:

42 (a) Has been disciplined by a credentialing organization or a licensing board in this state or in  
 43 another state, territory of the United States or nation for acts by the holder of a license or a permit  
 44 that are similar to acts described in this subsection. A certified copy of the order of discipline  
 45 constitutes conclusive evidence of the discipline.

1 (b) Has an impairment as defined in ORS 676.303.

2 (c) In the judgment of the board, is guilty of unethical or unprofessional conduct in the practice  
3 of a medical imaging modality or as a limited X-ray machine operator.

4 (d) Has been convicted of any crime that bears a demonstrable relationship to the practice of  
5 a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely  
6 on fitness to practice.

7 (e) In the judgment of the board, has acted with gross negligence in the practice of a medical  
8 imaging modality or as a limited X-ray machine operator.

9 (f) Has undertaken to act as a medical imaging licensee independently of the supervision of a  
10 licensed physician, or has undertaken to act as a limited X-ray machine operator independently of  
11 the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant.

12 (g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 **or**  
13 **section 1 of this 2023 Act** by fraud or material misrepresentation.

14 (h) Is in violation of a provision of ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or rule  
15 adopted under ORS 688.405 to 688.605 **or section 1 of this 2023 Act**.

16 (i) Has failed to respond to inquiries by the board.

17 (j) Has failed to cooperate with an investigation conducted by the board.

18 (k) Has failed to comply with an order issued by the board.

19 (L) Has committed an act of moral turpitude, dishonesty, fraud or misrepresentation that is not  
20 related to the practice of a medical imaging modality or as a limited X-ray machine operator but  
21 that, in the discretion of the board, bears upon the person's fitness to practice medical imaging.

22 (3) Upon receipt of a complaint under ORS 688.405 to 688.605 **or section 1 of this 2023 Act**, the  
23 board shall conduct an investigation as described under ORS 676.165.

24 (4) Information that the board obtains as part of an investigation into licensee, permittee or  
25 applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement  
26 involving licensee, permittee or applicant conduct is confidential as provided under ORS 676.175.

27 **SECTION 60.** ORS 688.557 is amended to read:

28 688.557. For the purpose of requesting a state or nationwide criminal records check under ORS  
29 181A.195, the Board of Medical Imaging may require the fingerprints of a person who:

30 (1) Is applying for a license, or renewal of a license, under ORS 688.445 and 688.455 **or under**  
31 **section 1 of this 2023 Act**;

32 (2)(a) Is employed or applying for employment by the board or provides services or seeks to  
33 provide services to the board as a contractor, vendor or volunteer; and

34 (b) Is, or will be, working or providing services in a position in which the person has or will  
35 have access to information that is confidential under state or federal laws, rules or regulations; or

36 (3) Is under investigation by the board pursuant to ORS 688.525.

37 **SECTION 61.** ORS 688.585 is amended to read:

38 688.585. (1) The Board of Medical Imaging Account is established in the State Treasury, separate  
39 and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees,  
40 contributions and other moneys received by the Board of Medical Imaging must be paid into the  
41 State Treasury and credited to the account. All moneys in the account are continuously appropri-  
42 ated to the board to be used by the board for purposes of ORS 676.850 and 688.405 to 688.605 **and**  
43 **section 1 of this 2023 Act**. Any interest or other income from moneys in the account shall be  
44 credited to the account.

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

1 dicare by separate cumulative accounts the source from which the moneys are derived and the in-  
 2 dividual activity or program for which each withdrawal is charged.

3 **SECTION 62.** ORS 688.600 is amended to read:

4 688.600. (1) Upon receipt of a complaint, or upon its own motion, the Board of Medical Imaging  
 5 may investigate any alleged violation of ORS 688.405 to 688.605 **or section 1 of this 2023 Act.**

6 (2) In the conduct of investigations, the board may:

7 (a) Take evidence;

8 (b) Take the depositions of witnesses, including the person charged, in the manner provided by  
 9 law in civil cases;

10 (c) Compel the appearance of witnesses, including the person charged, before the board in per-  
 11 son the same as in civil cases;

12 (d) Require answers to interrogatories;

13 (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the  
 14 matter under investigation;

15 (f) Require a person to undergo a mental, physical, chemical dependency or competency evalu-  
 16 ation at the person's expense when the board has reasonable grounds to believe that the person is  
 17 or may be unable to practice a medical imaging modality with reasonable skill and safety or may  
 18 constitute a risk to the public, with the results being reported to the board. The report may not be  
 19 disclosed to the public but may be received into evidence in a proceeding between the board and  
 20 the person when the mental, physical, chemical dependency or competency of the person is at issue,  
 21 notwithstanding any claim of privilege by the person; and

22 (g) Issue subpoenas over the signature of the board chairperson or executive director and the  
 23 seal of the board in the name of the State of Oregon.

24 (3) For the purpose of disciplinary issues concerning scope of practice and standards of practice,  
 25 the board may form temporary peer review committees in the relevant modality or subspecialty to  
 26 advise the board of appropriate action. The composition, authority and responsibilities of a tempo-  
 27 rary committee must be defined in rules adopted by the board.

28 **SECTION 63.** ORS 688.603 is amended to read:

29 688.603. (1) Subject to the provisions of ORS chapter 183 and subsection (2) of this section, the  
 30 Board of Medical Imaging may impose a fine on an individual licensed or holding a permit under  
 31 ORS 688.405 to 688.605 **or section 1 of this 2023 Act** for an administrative or clerical violation of  
 32 ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or a rule adopted pursuant to ORS 688.405  
 33 to 688.605 **or section 1 of this 2023 Act** if the violation does not create a risk of harm to the public,  
 34 as established by the board by rule.

35 (2) A fine imposed under this section:

36 (a) May not exceed \$100;

37 (b) Is confidential; and

38 (c) Is not a disciplinary action by the board.

39 **SECTION 64.** ORS 688.605 is amended to read:

40 688.605. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health  
 41 information prohibit disclosure, any person issued a license or permit by the Board of Medical Im-  
 42 aging or any employer of a licensee or permittee shall report to the board any suspected violation  
 43 of ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or any rule adopted by the board.

44 (b) Unless state or federal laws relating to confidentiality or the protection of health information  
 45 prohibit disclosure, any person issued a license or permit by the board who has reasonable cause



1 to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS  
 2 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

3 (c) Unless state or federal laws relating to confidentiality or the protection of health information  
 4 prohibit disclosure, any organization representing persons issued a license or permit by the board  
 5 shall report to the board any suspected violation of ORS 688.405 to 688.605 **or section 1 of this 2023**  
 6 **Act** or any rule adopted by the board pursuant to ORS 688.405 to 688.605 **or section 1 of this 2023**  
 7 **Act**.

8 (d) Any person may report to the board any suspected violation of ORS 688.405 to 688.605 **or**  
 9 **section 1 of this 2023 Act** or any rules adopted by the board pursuant to ORS 688.555 **or section**  
 10 **1 of this 2023 Act**.

11 (2) Any information that the board obtains as the basis of a complaint or in the investigation  
 12 of a complaint is confidential as provided under ORS 676.175.

13 (3) Any person who reports or provides information to the board and who does so in good faith  
 14 is not subject to an action for civil damages as a result of reporting or providing information.

15 (4) A claim of a violation of ORS 688.405 to 688.605 **or section 1 of this 2023 Act** shall be re-  
 16 ported to the board and shall be substantiated by satisfactory evidence. If the board finds that a  
 17 violation has occurred, the board shall, subject to the conditions of ORS 676.175, report the violation  
 18 to the Attorney General for prosecution.

19 **SECTION 65.** ORS 688.915 is amended to read:

20 688.915. (1) In addition to any other sanction authorized by law, the Board of Medical Imaging  
 21 may impose a civil penalty not to exceed \$1,000 per occurrence for any violation of ORS 688.405 to  
 22 688.605 **or section 1 of this 2023 Act**, or of any rules adopted under those provisions. The penalty  
 23 may be imposed whether or not the person incurring the penalty has been licensed or been issued  
 24 a permit or certificate under ORS 688.405 to 688.605 **or section 1 of this 2023 Act**, or has made  
 25 application for a license, permit or certificate under those sections. A civil penalty may be imposed  
 26 in lieu of a refusal to grant or renew a license, permit or certificate, or a suspension or revocation  
 27 of a license, permit or certificate, under ORS 688.510 or 688.525.

28 (2) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

29 (3) All penalties recovered under this section shall be credited to the Board of Medical Imaging  
 30 Account established under ORS 688.585.

31 **SECTION 66.** ORS 688.800 is amended to read:

32 688.800. As used in ORS 688.800 to 688.840:

33 (1) "Polysomnographic technologist" means a person licensed under ORS 688.819.

34 (2) "Polysomnography" means the treatment, management, diagnostic testing, education and care  
 35 of patients with disorders related to sleep. "Polysomnography" includes, but is not limited to:

36 (a) The use of the following during treatment, management, diagnostic testing, education and  
 37 care of patients with disorders related to sleep:

38 (A) Supplemental low-flow oxygen therapy, using up to six liters per minute of oxygen;

39 (B) Continuous or bilevel positive airway pressure titration on spontaneously breathing patients  
 40 using a mask or oral appliance, if the mask or oral appliance does not extend into the trachea or  
 41 attach to an artificial airway;

42 (C) Capnography;

43 (D) Cardiopulmonary resuscitation;

44 (E) Pulse oximetry;

45 (F) Sleep staging, including surface electroencephalography, surface electrooculography and

- 1 submental surface electromyography;
- 2 (G) Electrocardiography;
- 3 (H) Respiratory effort monitoring, including thoracic and abdominal movement monitoring;
- 4 (I) Plethysmography blood flow monitoring;
- 5 (J) Snore monitoring;
- 6 (K) Audio or video monitoring of movement or behavior;
- 7 (L) Body movement monitoring;
- 8 (M) Nocturnal penile tumescence monitoring, when performed in a facility approved by the Re-
- 9 spiratory Therapist and Polysomnographic Technologist Licensing Board;
- 10 (N) Nasal and oral airflow monitoring;
- 11 (O) Body temperature monitoring; or
- 12 (P) Portable monitoring devices and other medical equipment used to treat sleep disorders;
- 13 (b) Analyzing data for the purpose of assisting a physician who diagnoses and treats disorders
- 14 related to sleep;
- 15 (c) Implementation and monitoring of durable medical equipment used in the treatment of sleep
- 16 disorders; and
- 17 (d) Educating patients and immediate family members of patients regarding testing and treat-
- 18 ment of sleep disorders.
- 19 (3) “Qualified medical director for polysomnography” means the medical director of an inpatient
- 20 or outpatient polysomnography facility who is a physician licensed under ORS chapter 677, has
- 21 special interest and knowledge in the diagnosis and treatment of sleep disorders and is actively
- 22 practicing in the field of sleep disorders.
- 23 (4) “Qualified medical director for respiratory care” means the medical director of any inpatient
- 24 or outpatient respiratory care service, department or home care agency who is a physician licensed
- 25 under ORS chapter 677 and who has special interest and knowledge in the diagnosis and treatment
- 26 of respiratory problems.
- 27 (5) “Respiratory care” means the treatment, management, diagnostic testing, control and care
- 28 of patients with deficiencies and abnormalities associated with the cardiopulmonary system. “Re-
- 29 spiratory care” includes, but is not limited to:
- 30 (a) Direct and indirect respiratory care services, including but not limited to the administration
- 31 of pharmacological, diagnostic and therapeutic agents related to respiratory care procedures neces-
- 32 sary to implement a treatment, disease prevention, pulmonary rehabilitative or diagnostic regimen
- 33 prescribed by a physician;
- 34 (b) Transcription and implementation of the written or verbal orders of a physician pertaining
- 35 to the practice of respiratory care;
- 36 (c) Observing and monitoring signs and symptoms, reactions, general behaviors, general physical
- 37 responses to respiratory care treatment and diagnostic testing, including determination of whether
- 38 such signs, symptoms, reactions, general behaviors or general physical responses exhibit abnormal
- 39 characteristics;
- 40 (d) Implementation based on observed abnormalities, or appropriate reporting, referral, respir-
- 41 atory care protocols or changes in treatment, pursuant to a prescription by a person authorized to
- 42 practice medicine under the laws of this state; and
- 43 (e) The initiation of emergency procedures under the rules of the board or as otherwise per-
- 44 mitted under ORS 688.800 to 688.840.
- 45 (6) “Respiratory care practitioner” means a person licensed under ORS 688.815 **or section 1 of**

1 **this 2023 Act.**

2 (7) “Respiratory care services” means cardiopulmonary care services including, but not limited  
3 to, the diagnostic and therapeutic use of the following:

4 (a) Except for the purpose of anesthesia, administration of medical gases, aerosols and  
5 humidification;

6 (b) Environmental control mechanisms and hyperbaric therapy;

7 (c) Pharmacologic agents related to respiratory care procedures;

8 (d) Mechanical or physiological ventilatory support;

9 (e) Bronchopulmonary hygiene;

10 (f) Cardiopulmonary resuscitation;

11 (g) Maintenance of the natural airway;

12 (h) Maintenance of artificial airways;

13 (i) Specific diagnostic and testing techniques employed in the medical management of patients  
14 to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including  
15 measurements of ventilatory volumes, pressures and flows, collection of specimens of blood and  
16 blood gases, expired and inspired gas samples, respiratory secretions and pulmonary function testing;  
17 and

18 (j) Hemodynamic and other related physiologic measurements of the cardiopulmonary system.

19 **SECTION 67.** ORS 688.802 is amended to read:

20 688.802. A person may not practice respiratory care or claim to be a respiratory care practi-  
21 tioner unless the person is licensed under ORS 688.815 **or section 1 of this 2023 Act.**

22 **SECTION 68.** ORS 688.819 is amended to read:

23 688.819. (1) An applicant for a polysomnographic technologist license shall:

24 (a) Submit to the Health Licensing Office written evidence that the applicant:

25 (A) Is at least 18 years of age;

26 (B) Has completed an approved four-year high school course of study or the equivalent as de-  
27 termined by the appropriate educational agency; and

28 (C) Has completed a polysomnography program that is approved by the Respiratory Therapist  
29 and Polysomnographic Technologist Licensing Board and that is:

30 (i) An education program;

31 (ii) A training program; or

32 (iii) A program that combines education and training, including a program that combines edu-  
33 cation and training to qualify the applicant for a credential specified in subsection (4) of this section;  
34 and

35 (b) Pass an examination approved by the board.

36 (2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant  
37 provides the office with documentation of military training or experience that the board determines  
38 is substantially equivalent to the education or training required by subsection (1)(a)(C) of this sec-  
39 tion.

40 (3)(a) For purposes of this subsection, “education” includes a self-study education program ap-  
41 proved by the Board of Registered Polysomnographic Technologists as of March 1, 2013.

42 (b) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant  
43 is actively credentialed as a registered polysomnographic technologist by the Board of Registered  
44 Polysomnographic Technologists and has:

45 (A) Passed the registered polysomnographic technologist examination provided by the Board of

1 Registered Polysomnographic Technologists after completing a combined education and training  
 2 program required and approved by the Board of Registered Polysomnographic Technologists as of  
 3 March 1, 2013; or

4 (B) Passed the registered polysomnographic technologist examination provided by the Board of  
 5 Registered Polysomnographic Technologists before the Board of Registered Polysomnographic  
 6 Technologists required an individual to complete a combined education and training program in or-  
 7 der to take the examination, and has since met the education and training requirements established  
 8 by the Board of Registered Polysomnographic Technologists as of March 1, 2013.

9 (4)(a) The office may issue a polysomnographic technologist license by endorsement or  
 10 reciprocity to:

11 [(a)] (A) An applicant who is currently licensed to practice polysomnography under the laws of  
 12 another state, territory or country if the qualifications of the applicant are considered by the office  
 13 to be equivalent to those required in this state; or

14 [(b)] (B) An applicant holding an active credential approved by the Respiratory Therapist and  
 15 Polysomnographic Technologist Licensing Board.

16 (b) **The office shall issue, to a qualified applicant, a license described in this subsection**  
 17 **not later than 30 days after the date on which the office receives an application for a license.**

18 **SECTION 69.** ORS 688.836 is amended to read:

19 688.836. In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing  
 20 Office may impose a form of discipline specified in ORS 676.612 against any person practicing re-  
 21 spiratory care or polysomnography for any of the grounds listed in ORS 676.612 and for any vio-  
 22 lation of the provisions of ORS 688.800 to 688.840 **or section 1 of this 2023 Act**, or the rules  
 23 adopted thereunder.

24 **SECTION 70.** ORS 688.840 is amended to read:

25 688.840. The Respiratory Therapist and Polysomnographic Technologist Licensing Board and its  
 26 members and the Health Licensing Office and its employees and contractors are immune from any  
 27 civil liability arising from good faith actions taken pursuant to ORS 688.800 to 688.840 **or section**  
 28 **1 of this 2023 Act.**

29 **SECTION 71.** ORS 689.265 is amended to read:

30 689.265. (1) To obtain a license as a pharmacist by reciprocity, an applicant for licensure shall:

31 (a) [*Have submitted*] **Submit** a written application in the form prescribed by the State Board of  
 32 Pharmacy.

33 (b) [*Have attained the age of*] **Be at least 18 years of age.**

34 (c) Have good moral character and temperate habits.

35 (d) Have possessed at the time of initial licensure as a pharmacist such other qualifications  
 36 necessary to have been eligible for licensure at that time in this state.

37 (e) Have engaged in the practice of pharmacy for a period of at least one year or have met the  
 38 internship requirements of this state within the one-year period immediately previous to the date  
 39 of such application.

40 (f) [*Have presented*] **Present** to the board proof of initial licensure by examination and proof that  
 41 such license and any other license or licenses granted to the applicant by any other state or states  
 42 have not been suspended, revoked, canceled or otherwise restricted for any reason except  
 43 nonrenewal or the failure to obtain required continuing education credits in any state where the  
 44 applicant is licensed but not engaged in the practice of pharmacy.

45 (g) Have successfully passed an examination in jurisprudence approved by the board.

1 (h) *[Have paid]* **Pay** the fees specified by the board for issuance of a license.

2 (i) *[Have submitted]* **Submit** to the board proof of a professional degree that meets the require-  
3 ments of ORS 689.255 (4), if the applicant has received a professional degree from a school or college  
4 of pharmacy located outside the United States.

5 (2) *[No applicant shall]* **An applicant may not** be eligible for licensure by reciprocity unless the  
6 state in which the applicant was initially licensed as a pharmacist also grants reciprocal licensure  
7 to pharmacists duly licensed by examination in this state, under like circumstances and conditions.

8 **(3) The board shall issue, to a qualified applicant, a license under this section not later**  
9 **than 30 days after the date on which the board receives an application for a license.**

10 **SECTION 72.** ORS 691.445 is amended to read:

11 691.445. (1) The Health Licensing Office, in consultation with the Board of Licensed Dietitians,  
12 may waive the examination requirement and grant a dietitian license to an applicant who:

13 [(1)] (a) Files an application as prescribed by the office;

14 [(2)] (b) Pays the applicable fees established under ORS 676.576; and

15 [(3)] (c) Presents satisfactory evidence of:

16 [(a)] (A) Current registration as a dietitian with a credentialing body approved by the board;

17 or

18 [(b)] (B) Current licensure under the laws of any other state or territory in the United States,  
19 if the requirements for licensure of dietitians in the state or territory in which the applicant is li-  
20 censed are not less than those required by ORS 691.405 to 691.485.

21 **(2) The office shall issue, to a qualified applicant, a license under this section not later**  
22 **than 30 days after the date on which the office receives an application for a license.**

23  
24 **CONFORMING AMENDMENTS**

25  
26 **SECTION 73.** ORS 30.868 is amended to read:

27 30.868. (1) Any of the following persons may bring a civil action to secure damages against any  
28 and all persons whose actions are unlawful under ORS 163.257 (1)(a):

29 (a) A person who is 18 years of age or older and who has been taken, enticed or kept in vio-  
30 lation of ORS 163.257 (1)(a); or

31 (b) A person whose custodial rights have been interfered with if, by reason of the interference:

32 (A) The person has reasonably and in good faith reported a person missing to any city, county  
33 or state police agency; or

34 (B) A defendant in the action has been charged with a violation of ORS 163.257 (1)(a).

35 (2) An entry of judgment or a certified copy of a judgment against the defendant for a violation  
36 of ORS 163.257 (1)(a) is prima facie evidence of liability if the plaintiff was injured by the defendant's  
37 unlawful action under the conviction.

38 (3)(a) For purposes of this section, a public or private entity that provides counseling and shelter  
39 services to victims of domestic violence is not considered to have violated ORS 163.257 (1)(a) if the  
40 entity provides counseling or shelter services to a person who violates ORS 163.257 (1)(a).

41 (b) As used in this subsection, "victim of domestic violence" means an individual against whom  
42 domestic violence, as defined in ORS 135.230, 181A.355 or 411.117, has been committed.

43 (4) Bringing an action under this section does not prevent the prosecution of any criminal action  
44 under ORS 163.257.

45 (5) A person bringing an action under this section must establish by a preponderance of the

1 evidence that a violation of ORS 163.257 (1)(a) has occurred.

2 (6) It is an affirmative defense to civil liability for an action under this section that the de-  
3 fendant reasonably and in good faith believed that the defendant's violation of ORS 163.257 (1)(a)  
4 was necessary to preserve the physical safety of:

5 (a) The defendant;

6 (b) The person who was taken, enticed or kept in violation of ORS 163.257 (1)(a); or

7 (c) The parent or guardian of the person who was taken, enticed or kept in violation of ORS  
8 163.257 (1)(a).

9 (7)(a) If the person taken, enticed or kept in violation of ORS 163.257 (1)(a) is under 18 years  
10 of age at the time an action is brought under this section, the court may:

11 (A) Appoint an attorney who is licensed to practice law in Oregon to act as guardian ad litem  
12 for the person; and

13 (B) Appoint one of the following persons to provide counseling services to the person:

14 (i) A psychiatrist.

15 (ii) A psychologist licensed under ORS 675.010 to 675.150.

16 (iii) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act.**

17 (iv) A professional counselor or marriage and family therapist licensed under ORS 675.715.

18 (b) The court may assess against the parties all costs of the attorney or person providing  
19 counseling services appointed under this subsection.

20 (8) If an action is brought under this section by a person described under subsection (1)(b) of this  
21 section and a party shows good cause that it is appropriate to do so, the court may order the parties  
22 to obtain counseling directed toward educating the parties on the impact that the parties' conflict  
23 has on the person taken, enticed or kept in violation of ORS 163.257 (1)(a). The court may assess  
24 against the parties all costs of obtaining counseling ordered under this subsection.

25 (9) Upon prevailing in an action under this section, the plaintiff may recover:

26 (a) Special and general damages, including damages for emotional distress; and

27 (b) Punitive damages.

28 (10) The court may award reasonable attorney fees to the prevailing party in an action under  
29 this section.

30 (11)(a) Notwithstanding ORS 12.110, 12.115, 12.117 or 12.160, an action under this section must  
31 be commenced within six years after the violation of ORS 163.257 (1)(a). An action under this section  
32 accruing while the person who is entitled to bring the action is under 18 years of age must be  
33 commenced not more than six years after that person attains 18 years of age.

34 (b) The period of limitation does not run during any time when the person taken, enticed or kept  
35 in violation of ORS 163.257 (1)(a) is removed from this state as a result of the defendant's actions  
36 in violation of ORS 163.257 (1)(a).

37 **SECTION 74.** ORS 31.260 is amended to read:

38 31.260. As used in ORS 31.260 to 31.278:

39 (1) "Adverse health care incident" means an objective, definable and unanticipated consequence  
40 of patient care that is usually preventable and results in the death of or serious physical injury to  
41 the patient.

42 (2) "Health care facility" has the meaning given that term in ORS 442.015.

43 (3) "Health care provider" means a person practicing within the scope of the person's license,  
44 registration or certification to practice as:

45 (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;

- 1 (b) An occupational therapist under ORS 675.230 to 675.300;
- 2 (c) A physician under ORS 677.100 to 677.228;
- 3 (d) An emergency medical services provider under ORS chapter 682;
- 4 (e) A podiatric physician and surgeon under ORS [677.820] **677.805** to 677.840;
- 5 (f) A registered nurse under ORS 678.010 to 678.410;
- 6 (g) A dentist under ORS chapter 679;
- 7 (h) A dental hygienist under ORS 680.040 to 680.100;
- 8 (i) A denturist under ORS 680.515 to 680.535;
- 9 (j) An audiologist or speech-language pathologist under ORS 681.250 to 681.350 **or section 1 of**
- 10 **this 2023 Act;**
- 11 (k) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;
- 12 (L) A chiropractor under ORS 684.040 to 684.105;
- 13 (m) A [*naturopath*] **naturopathic physician** under ORS 685.060 to 685.110, 685.125 and 685.135;
- 14 (n) A massage therapist under ORS 687.011 to 687.250;
- 15 (o) A direct entry midwife under ORS 687.405 to 687.495;
- 16 (p) A physical therapist under ORS 688.040 to 688.145;
- 17 (q) A medical imaging licensee under ORS [688.445 to 688.525] **688.405 to 688.605 or section 1**
- 18 **of this 2023 Act;**
- 19 (r) A pharmacist under ORS 689.151 and 689.225 to 689.285;
- 20 (s) A physician assistant under ORS 677.505 to 677.525; or
- 21 (t) A professional counselor or marriage and family therapist under ORS 675.715 to 675.835.
- 22 (4) "Patient" means the patient or, if the patient is a minor, is deceased or has been medically
- 23 confirmed by the patient's treating physician to be incapable of making decisions for purposes of
- 24 ORS 31.260 to 31.278, the patient's representative as provided in ORS 31.274.
- 25 **SECTION 75.** ORS 31.740 is amended to read:
- 26 31.740. Punitive damages may not be awarded against a health practitioner if:
- 27 (1) The health practitioner is licensed, registered or certified as:
- 28 (a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;
- 29 (b) An occupational therapist under ORS 675.230 to 675.300;
- 30 (c) A regulated social worker under ORS 675.510 to 675.600 **or section 1 of this 2023 Act;**
- 31 (d) A physician under ORS 677.100 to 677.228 or 677.805 to 677.840;
- 32 (e) An emergency medical services provider under ORS chapter 682;
- 33 (f) A nurse under ORS 678.040 to 678.101;
- 34 (g) A nurse practitioner under ORS 678.375 to 678.390;
- 35 (h) A dentist under ORS chapter 679;
- 36 (i) A dental hygienist under ORS 680.040 to 680.100;
- 37 (j) A denturist under ORS 680.515 to 680.535;
- 38 (k) An audiologist or speech-language pathologist under ORS 681.250 to 681.350 **or section 1**
- 39 **of this 2023 Act;**
- 40 (L) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;
- 41 (m) A chiropractor under ORS 684.040 to 684.105;
- 42 (n) A [*naturopath*] **naturopathic physician** under ORS 685.060 to 685.110, 685.125 and 685.135;
- 43 (o) A massage therapist under ORS 687.011 to 687.250;
- 44 (p) A physical therapist under ORS 688.040 to 688.145;
- 45 (q) A medical imaging licensee under ORS [688.445 to 688.525] **688.405 to 688.605 or section 1**

1 **of this 2023 Act;**

2 (r) A pharmacist under ORS 689.151 and 689.225 to 689.285;

3 (s) A physician assistant as provided by ORS 677.505 to 677.525; or

4 (t) A professional counselor or marriage and family therapist under ORS 675.715 to 675.835; and

5 (2) The health practitioner was engaged in conduct regulated by the license, registration or  
6 certificate issued by the appropriate governing body and was acting within the scope of practice for  
7 which the license, registration or certificate was issued and without malice.

8 **SECTION 76.** ORS 58.015 is amended to read:

9 58.015. As used in this chapter, unless the context requires otherwise:

10 (1) “Foreign professional corporation” means a professional corporation organized under laws  
11 other than the laws of this state.

12 (2) “License” includes a license, certificate of registration, permit or other legal authorization  
13 required by law as a condition precedent to the rendering of professional service or services within  
14 this state.

15 (3) “Oregon Business Corporation Act” has the same meaning given that term in ORS 60.951.

16 (4) “Practicing medicine” has the meaning given that term in ORS 677.085.

17 (5) “Professional” means:

18 (a) Accountants licensed under ORS 673.010 to 673.465 or the laws of another state;

19 (b) Architects registered under ORS 671.010 to 671.220 or licensed or registered under the laws  
20 of another state;

21 (c) Attorneys licensed under ORS 9.005 to 9.757 or the laws of another state;

22 (d) Chiropractors licensed under ORS chapter 684 or the laws of another state;

23 (e) Dentists licensed under ORS chapter 679 or the laws of another state;

24 (f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;

25 (g) [*Naturopaths*] **Naturopathic physicians** licensed under ORS chapter 685 or the laws of an-  
26 other state;

27 (h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;

28 (i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;

29 (j) Physicians licensed under ORS chapter 677 or the laws of another state;

30 (k) Medical imaging licensees under ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or  
31 the laws of another state;

32 (L) Real estate appraisers licensed or certified under ORS chapter 674 or the laws of another  
33 state; and

34 (m) Other persons providing to the public types of personal service or services substantially  
35 similar to those listed in paragraphs (a) to (L) of this subsection that may be lawfully rendered only  
36 pursuant to a license.

37 (6) “Professional corporation” or “domestic professional corporation” means a corporation or-  
38 ganized under this chapter for the specific purpose of rendering professional service or services and  
39 for such other purposes provided under this chapter.

40 (7) “Professional service” means personal service or services rendered in this state to the public  
41 which may be lawfully rendered only pursuant to a license by a professional.

42 (8) “Regulatory board” means the governmental agency of the State of Oregon required or au-  
43 thorized by law to license and regulate the rendering of a professional service or services for which  
44 a professional corporation is organized.

45 **SECTION 77.** ORS 67.005 is amended to read:



- 1 67.005. As used in this chapter:
- 2 (1) “Business” includes every trade, occupation, profession and commercial activity.
- 3 (2) “Debtor in bankruptcy” means a person who is the subject of:
- 4 (a) An order for relief under Title 11 of the United States Code or a comparable order under a
- 5 successor statute of general application; or
- 6 (b) A comparable order under federal, state or foreign law governing insolvency.
- 7 (3) “Dissociated partner” means a partner with respect to whom an event specified in ORS
- 8 67.220 has occurred.
- 9 (4) “Distribution” means a transfer of money or other property from a partnership to a partner
- 10 in the partner’s capacity as a partner or to the partner’s transferee.
- 11 (5) “Foreign limited liability partnership” means a partnership that:
- 12 (a) Is formed under laws other than the law of this state; and
- 13 (b) Has the status of a limited liability partnership under those laws.
- 14 (6) “Limited liability partnership” means a partnership that has registered under ORS 67.603,
- 15 and has not registered or qualified in any other jurisdiction other than as a foreign limited liability
- 16 partnership.
- 17 (7) “Partnership” means an association of two or more persons to carry on as co-owners a
- 18 business for profit created under ORS 67.055, predecessor law, or comparable law of another juris-
- 19 diction. A partnership includes a limited liability partnership.
- 20 (8) “Partnership agreement” means the agreement, whether written, oral or implied, among the
- 21 partners concerning the partnership, including amendments to the partnership agreement.
- 22 (9) “Partnership at will” means a partnership in which the partners have not agreed to remain
- 23 partners until the expiration of a definite term or the completion of a particular undertaking.
- 24 (10) “Partnership interest” or “partner’s interest in the partnership” means all of a partner’s
- 25 interests in the partnership, including the partner’s transferable interest and all management and
- 26 other rights.
- 27 (11) “Person” means an individual, corporation, business trust, partnership, limited liability
- 28 company, association, joint venture, government, governmental subdivision, agency, instrumentality
- 29 or any other legal or commercial entity.
- 30 (12) “Professional” means:
- 31 (a) Accountants licensed under ORS 673.010 to 673.465 or the laws of another state;
- 32 (b) Architects registered under ORS 671.010 to 671.220 or licensed or registered under the laws
- 33 of another state;
- 34 (c) Attorneys licensed under ORS 9.005 to 9.757 or the laws of another state;
- 35 (d) Chiropractors licensed under ORS chapter 684 or the laws of another state;
- 36 (e) Dentists licensed under ORS chapter 679 or the laws of another state;
- 37 (f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;
- 38 (g) [*Naturopaths*] **Naturopathic physicians** licensed under ORS chapter 685 or the laws of an-
- 39 other state;
- 40 (h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;
- 41 (i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;
- 42 (j) Physicians licensed under ORS chapter 677 or the laws of another state;
- 43 (k) Medical imaging licensees under ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or
- 44 the laws of another state;
- 45 (L) Real estate appraisers licensed under ORS chapter 674 or the laws of another state; and

1 (m) Other persons providing to the public types of personal service or services substantially  
 2 similar to those listed in paragraphs (a) to (L) of this subsection that may be lawfully rendered only  
 3 pursuant to a license.

4 (13) "Professional service" means the service rendered by a professional.

5 (14) "Property" means all property, real, personal or mixed, tangible or intangible, or any in-  
 6 terest therein.

7 (15) "State" means a state of the United States, the District of Columbia, the Commonwealth  
 8 of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

9 (16) "Transfer" includes an assignment, conveyance, lease, mortgage, deed, encumbrance, cre-  
 10 ation of a security interest and any other disposition.

11 (17) "Transferable interest of a partner in the partnership" means the partner's share of the  
 12 profits and losses of the partnership and the partner's right to receive distributions.

13 **SECTION 78.** ORS 109.346 is amended to read:

14 109.346. (1) Except as provided in subsection (5) of this section, a birth parent consenting to an  
 15 adoption shall receive notice of the birth parent's right to payment for three adoption-related  
 16 counseling sessions prior to surrender or relinquishment of the child for adoption and three sessions  
 17 of adoption-related counseling after surrender or relinquishment of the child for adoption.

18 (2) Notice of the right to adoption-related counseling shall be in writing and shall be provided  
 19 to the consenting birth parent by either the attorney for the birth parent, the agency representative  
 20 taking the birth parent's consent or the attorney for the prospective adoptive parent. Before entry  
 21 of a judgment of adoption, the agency or attorney providing the written notice shall submit verifi-  
 22 cation to the court that the notice was given to the consenting birth parent.

23 (3) The prospective adoptive parent shall pay all uninsured costs of the adoption-related coun-  
 24 seling required by this section, provided the counseling is received within one year of the date of  
 25 surrender or relinquishment of the child for adoption.

26 (4) Adoption-related counseling under this section, unless otherwise agreed to by the prospective  
 27 adoptive parent and the consenting birth parent, shall be provided by:

28 (a) A regulated social worker as defined in ORS 675.510 who is employed by an Oregon licensed  
 29 adoption agency other than the regulated social worker assigned to the prospective adoptive parent;

30 (b) A regulated social worker, counselor or therapist who is working under the supervision of  
 31 a clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act** or a licensed  
 32 professional counselor and who is knowledgeable about birth parent, adoption and grief and loss  
 33 issues; or

34 (c) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act**, counselor  
 35 or therapist who:

36 (A) Has a graduate degree in social work, counseling or psychology; and

37 (B) Is knowledgeable about birth parent, adoption and grief and loss issues.

38 (5) The requirements of this section do not apply to:

39 (a) An adoption in which a birth parent relinquishes parental rights to the Department of Hu-  
 40 man Services;

41 (b) An adoption in which one parent retains parental rights;

42 (c) An adoption in which the child is born in a foreign country and adopted under the laws of  
 43 that country or readopted in Oregon;

44 (d) An adoption in which the child is born in a foreign country and subsequently adopted in  
 45 Oregon and in which the identity or whereabouts of the child's birth parents are unknown; or

1 (e) An adoption of an adult.

2 (6) Failure to provide the notice required by this section or failure to pay the uninsured costs  
 3 of adoption-related counseling required by this section is not grounds for setting aside an adoption  
 4 judgment or for revocation of a written consent to an adoption or a certificate of irrevocability.

5 **SECTION 79.** ORS 109.680 is amended to read:

6 109.680. (1) As used in this section, “mental health care provider” means a physician or physi-  
 7 cian assistant licensed by the Oregon Medical Board, psychologist licensed by the Oregon Board of  
 8 Psychology, nurse practitioner registered by the Oregon State Board of Nursing, clinical social  
 9 worker licensed under ORS 675.530 **or section 1 of this 2023 Act**, professional counselor or mar-  
 10 riage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and  
 11 Therapists, naturopathic physician licensed under ORS chapter 685 or community mental health  
 12 program established and operated pursuant to ORS 430.620 when approved to do so by the Oregon  
 13 Health Authority pursuant to rule.

14 (2)(a) A mental health care provider that is providing services to a minor pursuant to ORS  
 15 109.675 may disclose relevant health information about the minor without the minor’s consent as  
 16 provided in ORS 109.675 (2) and this subsection.

17 (b) If the minor’s condition has deteriorated or the risk of a suicide attempt has become such  
 18 that inpatient treatment is necessary, or if the minor’s condition requires detoxification in a resi-  
 19 dential or acute care facility, the minor’s mental health care provider may disclose the relevant in-  
 20 formation regarding the minor’s diagnosis and treatment to the minor’s parent or legal guardian to  
 21 the extent the mental health care provider determines the disclosure is clinically appropriate and  
 22 will serve the best interests of the minor’s treatment.

23 (c) If the mental health care provider assesses the minor to be at serious and imminent risk of  
 24 a suicide attempt but inpatient treatment is not necessary or practicable:

25 (A) The mental health care provider shall disclose relevant information about the minor to and  
 26 engage in safety planning with the minor’s parent, legal guardian or other individuals the provider  
 27 reasonably believes may be able to prevent or lessen the minor’s risk of a suicide attempt.

28 (B) The mental health care professional may disclose relevant information regarding the minor’s  
 29 treatment and diagnosis that the mental health care professional determines is necessary to further  
 30 the minor’s treatment to those organizations, including appropriate schools and social service enti-  
 31 ties, that the mental health care provider reasonably believes will provide treatment support to the  
 32 minor to the extent the mental health care provider determines necessary.

33 (d) Except as provided in ORS 109.675 (2) and paragraphs (a) and (b) of this subsection, if a  
 34 mental health care provider has provided the minor with the opportunity to object to the disclosure  
 35 and the minor has not expressed an objection, the mental health care provider may disclose infor-  
 36 mation related to the minor’s treatment and diagnosis to individuals, including the minor’s parent  
 37 or legal guardian, and organizations when the information directly relates to the individual’s or  
 38 organization’s involvement in the minor’s treatment.

39 (3) Notwithstanding subsection (2)(c)(A) of this section, a mental health care provider is not re-  
 40 quired to disclose the minor’s treatment and diagnosis information to an individual if the mental  
 41 health care provider:

42 (a) Reasonably believes the individual has abused or neglected the minor or subjected the minor  
 43 to domestic violence or may abuse or neglect the minor or subject the minor to domestic violence;

44 (b) Reasonably believes disclosure of the minor’s information to the individual could endanger  
 45 the minor; or

1 (c) Determines that it is not in the minor’s best interest to disclose the information to the indi-  
2 vidual.

3 (4) Nothing in this section is intended to limit a mental health care provider’s authority to dis-  
4 close information related to the minor with the minor’s consent.

5 (5) If a mental health care provider discloses a minor’s information as provided in subsection (1)  
6 or (2) of this section in good faith, the mental health care provider is immune from civil liability for  
7 making the disclosure without the consent of the minor.

8 **SECTION 80.** ORS 109.685 is amended to read:

9 109.685. A physician, physician assistant, psychologist, nurse practitioner, clinical social worker  
10 licensed under ORS 675.530 **or section 1 of this 2023 Act**, professional counselor or marriage and  
11 family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists,  
12 naturopathic physician licensed under ORS chapter 685 or community mental health program de-  
13 scribed in ORS 109.675 who in good faith provides diagnosis or treatment to a minor as authorized  
14 by ORS 109.675 shall not be subject to any civil liability for providing such diagnosis or treatment  
15 without consent of the parent or legal guardian of the minor.

16 **SECTION 81.** ORS 192.556 is amended to read:

17 192.556. As used in ORS 192.553 to 192.581:

18 (1) “Authorization” means a document written in plain language that contains at least the fol-  
19 lowing:

20 (a) A description of the information to be used or disclosed that identifies the information in a  
21 specific and meaningful way;

22 (b) The name or other specific identification of the person or persons authorized to make the  
23 requested use or disclosure;

24 (c) The name or other specific identification of the person or persons to whom the covered entity  
25 may make the requested use or disclosure;

26 (d) A description of each purpose of the requested use or disclosure, including but not limited  
27 to a statement that the use or disclosure is at the request of the individual;

28 (e) An expiration date or an expiration event that relates to the individual or the purpose of the  
29 use or disclosure;

30 (f) The signature of the individual or personal representative of the individual and the date;

31 (g) A description of the authority of the personal representative, if applicable; and

32 (h) Statements adequate to place the individual on notice of the following:

33 (A) The individual’s right to revoke the authorization in writing;

34 (B) The exceptions to the right to revoke the authorization;

35 (C) The ability or inability to condition treatment, payment, enrollment or eligibility for benefits  
36 on whether the individual signs the authorization; and

37 (D) The potential for information disclosed pursuant to the authorization to be subject to  
38 redisclosure by the recipient and no longer protected.

39 (2) “Covered entity” means:

40 (a) A state health plan;

41 (b) A health insurer;

42 (c) A health care provider that transmits any health information in electronic form to carry out  
43 financial or administrative activities in connection with a transaction covered by ORS 192.553 to  
44 192.581; or

45 (d) A health care clearinghouse.

- 1 (3) "Health care" means care, services or supplies related to the health of an individual.
- 2 (4) "Health care operations" includes but is not limited to:
- 3 (a) Quality assessment, accreditation, auditing and improvement activities;
- 4 (b) Case management and care coordination;
- 5 (c) Reviewing the competence, qualifications or performance of health care providers or health
- 6 insurers;
- 7 (d) Underwriting activities;
- 8 (e) Arranging for legal services;
- 9 (f) Business planning;
- 10 (g) Customer services;
- 11 (h) Resolving internal grievances;
- 12 (i) Creating deidentified information; and
- 13 (j) Fundraising.
- 14 (5) "Health care provider" includes but is not limited to:
- 15 (a) A psychologist, occupational therapist, regulated social worker, professional counselor or
- 16 marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675
- 17 **or section 1 of this 2023 Act** or an employee of the psychologist, occupational therapist, regulated
- 18 social worker, professional counselor or marriage and family therapist;
- 19 (b) A physician or physician assistant licensed under ORS chapter 677, an acupuncturist licensed
- 20 under ORS 677.759 or an employee of the physician, physician assistant or acupuncturist;
- 21 (c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of
- 22 the nurse or nursing home administrator;
- 23 (d) A dentist licensed under ORS chapter 679 or an employee of the dentist;
- 24 (e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental
- 25 hygienist or denturist;
- 26 (f) A speech-language pathologist or audiologist licensed under ORS chapter 681 **or section 1**
- 27 **of this 2023 Act** or an employee of the speech-language pathologist or audiologist;
- 28 (g) An emergency medical services provider licensed under ORS chapter 682;
- 29 (h) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;
- 30 (i) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic
- 31 physician;
- 32 (j) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic
- 33 physician;
- 34 (k) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage
- 35 therapist;
- 36 (L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct
- 37 entry midwife;
- 38 (m) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical
- 39 therapist;
- 40 (n) A medical imaging licensee under ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or
- 41 an employee of the medical imaging licensee;
- 42 (o) A respiratory care practitioner licensed under ORS 688.815 **or section 1 of this 2023 Act**
- 43 or an employee of the respiratory care practitioner;
- 44 (p) A polysomnographic technologist licensed under ORS 688.819 or an employee of the poly-
- 45 somnographic technologist;

- 1 (q) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;  
2 (r) A dietitian licensed under ORS 691.405 to 691.485 or an employee of the dietitian;  
3 (s) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral  
4 service practitioner;  
5 (t) A health care facility as defined in ORS 442.015;  
6 (u) A home health agency as defined in ORS 443.014;  
7 (v) A hospice program as defined in ORS 443.850;  
8 (w) A clinical laboratory as defined in ORS 438.010;  
9 (x) A pharmacy as defined in ORS 689.005; and  
10 (y) Any other person or entity that furnishes, bills for or is paid for health care in the normal  
11 course of business.
- 12 (6) "Health information" means any oral or written information in any form or medium that:  
13 (a) Is created or received by a covered entity, a public health authority, an employer, a life  
14 insurer, a school, a university or a health care provider that is not a covered entity; and  
15 (b) Relates to:  
16 (A) The past, present or future physical or mental health or condition of an individual;  
17 (B) The provision of health care to an individual; or  
18 (C) The past, present or future payment for the provision of health care to an individual.
- 19 (7) "Health insurer" means an insurer as defined in ORS 731.106 who offers:  
20 (a) A health benefit plan as defined in ORS 743B.005;  
21 (b) A short term health insurance policy, the duration of which does not exceed three months  
22 including renewals;  
23 (c) A student health insurance policy;  
24 (d) A Medicare supplemental policy; or  
25 (e) A dental only policy.
- 26 (8) "Individually identifiable health information" means any oral or written health information  
27 in any form or medium that is:  
28 (a) Created or received by a covered entity, an employer or a health care provider that is not  
29 a covered entity; and  
30 (b) Identifiable to an individual, including demographic information that identifies the individual,  
31 or for which there is a reasonable basis to believe the information can be used to identify an indi-  
32 vidual, and that relates to:  
33 (A) The past, present or future physical or mental health or condition of an individual;  
34 (B) The provision of health care to an individual; or  
35 (C) The past, present or future payment for the provision of health care to an individual.
- 36 (9) "Payment" includes but is not limited to:  
37 (a) Efforts to obtain premiums or reimbursement;  
38 (b) Determining eligibility or coverage;  
39 (c) Billing activities;  
40 (d) Claims management;  
41 (e) Reviewing health care to determine medical necessity;  
42 (f) Utilization review; and  
43 (g) Disclosures to consumer reporting agencies.
- 44 (10) "Personal representative" includes but is not limited to:  
45 (a) A person appointed as a guardian under ORS 125.305, 419B.372, 419C.481 or 419C.555 with

1 authority to make medical and health care decisions;

2 (b) A person appointed as a health care representative under ORS 127.505 to 127.660 or a rep-  
 3 resentative under ORS 127.700 to 127.737 to make health care decisions or mental health treatment  
 4 decisions;

5 (c) A person appointed as a personal representative under ORS chapter 113; and

6 (d) A person described in ORS 192.573.

7 (11)(a) “Protected health information” means individually identifiable health information that is  
 8 maintained or transmitted in any form of electronic or other medium by a covered entity.

9 (b) “Protected health information” does not mean individually identifiable health information in:

10 (A) Education records covered by the federal Family Educational Rights and Privacy Act (20  
 11 U.S.C. 1232g);

12 (B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

13 (C) Employment records held by a covered entity in its role as employer.

14 (12) “State health plan” means:

15 (a) Medical assistance as defined in ORS 414.025;

16 (b) The Cover All People program; or

17 (c) Any medical assistance or premium assistance program operated by the Oregon Health Au-  
 18 thority.

19 (13) “Treatment” includes but is not limited to:

20 (a) The provision, coordination or management of health care; and

21 (b) Consultations and referrals between health care providers.

22 **SECTION 82.** ORS 339.329 is amended to read:

23 339.329. (1) As used in this section:

24 (a) “Cyberbullying” and “harassment, intimidation or bullying” have the meanings given those  
 25 terms in ORS 339.351.

26 (b) “Local law enforcement contact” means a local law enforcement officer designated by the  
 27 Department of State Police to be notified when the tip line receives a report of a threat to student  
 28 safety or potential threat to student safety.

29 (c) “Personally identifiable information” means any information that would permit the identifi-  
 30 cation of a person who reports information using the tip line, and is not limited to name, phone  
 31 number, physical address, electronic mail address, race, gender, gender identity, sexual orientation,  
 32 disability designation, religious affiliation, national origin, ethnicity, school of attendance, city,  
 33 county or any geographic identifier included in information conveyed through the tip line, or infor-  
 34 mation identifying the machine or device used by the person in making a report using the tip line.

35 (d) “Service provider” means a person designated by the department to be notified when the tip  
 36 line receives a report of a threat to student safety or potential threat to student safety. “Service  
 37 provider” includes:

38 (A) A provider of behavioral health care or mental health care;

39 (B) A provider of school-based health care;

40 (C) A licensed school counselor;

41 (D) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act**; or

42 (E) A professional counselor or a marriage and family therapist licensed under ORS 675.715.

43 (e) “Student” means a student of:

44 (A) A school district, as defined in ORS 332.002;

45 (B) A community college, as defined in ORS 341.005;

1 (C) A private school that provides educational services to kindergarten through grade 12 stu-  
2 dents;

3 (D) A career school, as defined in ORS 345.010; or

4 (E) A public university listed under ORS 352.002.

5 (f) "Threat to student safety" includes, but is not limited to, a threat or instance of:

6 (A) Harassment, intimidation or bullying or cyberbullying;

7 (B) Suicide or self-harm; and

8 (C) Violence against others.

9 (g) "Tip line" means a statewide resource designed to accept information concerning threats to  
10 student safety or potential threats to student safety through methods of transmission including:

11 (A) Telephone calls;

12 (B) Text messages; and

13 (C) Electronically through the Internet.

14 (2) The Department of State Police shall establish a statewide tip line for students and other  
15 members of the public to use to confidentially report information concerning threats to student  
16 safety or potential threats to student safety.

17 (3) In consultation with state and local government behavioral health care providers, the de-  
18 partment shall adopt rules necessary to establish and operate the tip line. The rules must include,  
19 but are not limited to:

20 (a) Provisions that protect the personally identifiable information of a person reporting infor-  
21 mation without compromising opportunities for follow-up contact from local law enforcement con-  
22 tacts or service providers to provide further information to or obtain further information from the  
23 person; and

24 (b) Written policies and procedures for:

25 (A) Logging reports received on the tip line;

26 (B) Verifying the authenticity and validity of a reported threat to student safety or potential  
27 threat to student safety;

28 (C) Relaying information concerning a threat to student safety or potential threat to student  
29 safety to local law enforcement contacts, service providers and appropriate education provider  
30 contacts;

31 (D) Connecting the tip line with other hotlines that are available for reports of violence or for  
32 crisis prevention; and

33 (E) Reporting for the purposes of tracking referrals to local law enforcement contacts and ser-  
34 vice providers resulting from information received on the tip line and tracking the outcome of any  
35 action taken in response to the referral.

36 (4) The contents of tips reported to the tip line may be disclosed only as allowed under ORS  
37 192.345 (41), except that:

38 (a) Personally identifiable information may be disclosed only as provided in this section; and

39 (b) Personally identifiable information and other information reported through the tip line may  
40 be disclosed to the following persons for the purpose of follow-up contact to obtain or provide fur-  
41 ther information:

42 (A) Tip line staff;

43 (B) A school district, education service district, community college, private school that provides  
44 educational services to kindergarten through grade 12 students, career school or public university;

45 (C) A service provider; or



1 (D) Law enforcement.

2 (5) Any person authorized to receive tip line information under subsection (4) of this section  
 3 must use the information only for the purpose of making follow-up contact to obtain or provide  
 4 further information. Any further information obtained through follow-up contact may be disclosed  
 5 only to the persons described in subsection (4) of this section.

6 (6) Persons authorized to receive tip line information under subsection (4) of this section may  
 7 not disclose to the public the outcomes or actions taken as a result of tip line information unless  
 8 the disclosure is required by a statute other than this section.

9 (7) Notwithstanding subsections (4) to (6) of this section, the department may release aggregated  
 10 or summary information for reporting purposes and may provide information obtained through the  
 11 tip line for the purpose of educating the public about the tip line, but may not disclose personally  
 12 identifiable information under this subsection.

13 (8) The department may seek and accept gifts, grants and donations from any source for the  
 14 purpose of carrying out the department's duties under this section.

15 **SECTION 83.** ORS 343.146 is amended to read:

16 343.146. (1) To receive special education, children with disabilities shall be determined eligible  
 17 for special education services under a school district program approved under ORS 343.045 and as  
 18 provided under ORS 343.221.

19 (2) Before initially providing special education, the school district shall ensure that a full and  
 20 individual evaluation is conducted to determine the child's eligibility for special education and the  
 21 child's special educational needs.

22 (3) Eligibility for special education shall be determined pursuant to rules adopted by the State  
 23 Board of Education.

24 (4) Each school district shall conduct a reevaluation of each child with a disability in accord-  
 25 ance with rules adopted by the State Board of Education.

26 (5) If a medical examination is required as part of an initial evaluation or reevaluation, the ex-  
 27 amination must be given by:

28 (a) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

29 (b) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in  
 30 another state;

31 (c) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority  
 32 in another state; or

33 (d) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority  
 34 in another state.

35 (6) If a vision examination is required as part of an initial evaluation or reevaluation, the ex-  
 36 amination must be given by:

37 (a) A person licensed to practice optometry under ORS chapter 683 or by the appropriate au-  
 38 thority in another state; or

39 (b) A physician who specializes in ophthalmology and who is licensed under ORS chapter 677  
 40 or by the appropriate authority in another state.

41 (7) If an audiological assessment is required as part of an initial evaluation or reevaluation, the  
 42 assessment must be given by an audiologist licensed under ORS chapter 681 **or section 1 of this**  
 43 **2023 Act** or by the appropriate authority in another state.

44 (8) The information obtained in an examination or assessment performed under subsection (5),  
 45 (6) or (7) of this section must be reported by the practitioner who performed the examination or

1 assessment to the school district in which the child is or will be enrolled.

2 **SECTION 84.** ORS 413.574 is amended to read:

3 413.574. (1) The Pain Management Commission shall consist of 19 members as follows:

4 (a) Seventeen members shall be appointed by the Director of the Oregon Health Authority. Prior  
5 to making appointments, the director shall request and consider recommendations from individuals  
6 and public and private agencies and organizations with experience or a demonstrated interest in  
7 pain management issues, including but not limited to:

8 (A) Physicians licensed under ORS chapter 677 or organizations representing physicians;

9 (B) Nurses licensed under ORS chapter 678 or organizations representing nurses;

10 (C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychol-  
11 ogists;

12 (D) Physician assistants licensed under ORS chapter 677 or organizations representing physician  
13 assistants;

14 (E) Chiropractic physicians licensed under ORS chapter 684 or organizations representing  
15 chiropractic physicians;

16 (F) [*Naturopaths*] **Naturopathic physicians** licensed under ORS chapter 685 or organizations  
17 representing [*naturopaths*] **naturopathic physicians**;

18 (G) Clinical social workers licensed under ORS 675.530 **or section 1 of this 2023 Act** or or-  
19 ganizations representing clinical social workers;

20 (H) Acupuncturists licensed under ORS 677.759;

21 (I) Pharmacists licensed under ORS chapter 689;

22 (J) Palliative care professionals or organizations representing palliative care professionals;

23 (K) Mental health professionals or organizations representing mental health professionals;

24 (L) Health care consumers or organizations representing health care consumers;

25 (M) Hospitals and health plans or organizations representing hospitals and health plans;

26 (N) Patients or advocacy groups representing patients;

27 (O) Dentists licensed under ORS chapter 679;

28 (P) Occupational therapists licensed under ORS 675.210 to 675.340;

29 (Q) Physical therapists licensed under ORS 688.010 to 688.201; and

30 (R) Members of the public.

31 (b) Two members shall be members of a legislative committee with jurisdiction over human  
32 services issues, one appointed by the President of the Senate and one appointed by the Speaker of  
33 the House of Representatives. Both members shall be nonvoting members of the commission.

34 (2) The term of office of each member is four years, but a member serves at the pleasure of the  
35 appointing authority. Before the expiration of the term of a member, the appointing authority shall  
36 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-  
37 pointment. If there is a vacancy for any cause, the appointing authority shall make an appointment  
38 to become immediately effective for the unexpired term.

39 (3) Members of the commission are not entitled to compensation or reimbursement for expenses  
40 and serve as volunteers on the commission.

41 **SECTION 85.** ORS 430.010 is amended to read:

42 430.010. As used in this chapter:

43 (1) "Outpatient service" means:

44 (a) A program or service providing treatment by appointment and by:

45 (A) Physicians licensed under ORS 677.100 to 677.228;

1 (B) Psychologists licensed by the Oregon Board of Psychology under ORS 675.010 to 675.150;

2 (C) Nurse practitioners licensed by the Oregon State Board of Nursing under ORS 678.010 to  
3 678.410;

4 (D) Regulated social workers authorized to practice regulated social work by the State Board  
5 of Licensed Social Workers under ORS 675.510 to 675.600 **or section 1 of this 2023 Act**;

6 (E) Professional counselors or marriage and family therapists licensed by the Oregon Board of  
7 Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835; or

8 (F) Naturopathic physicians licensed by the Oregon Board of Naturopathic Medicine under ORS  
9 chapter 685; or

10 (b) A program or service providing treatment by appointment that is licensed, approved, estab-  
11 lished, maintained, contracted with or operated by the authority under:

12 (A) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

13 (B) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

14 (C) ORS 430.610 to 430.880 for mental or emotional disturbances.

15 (2) "Residential facility" means a program or facility providing an organized full-day or part-day  
16 program of treatment. Such a program or facility shall be licensed, approved, established, main-  
17 tained, contracted with or operated by the authority under:

18 (a) ORS 430.265 to 430.380 and 430.610 to 430.880 for alcoholism;

19 (b) ORS 430.265 to 430.380, 430.405 to 430.565 and 430.610 to 430.880 for drug addiction; or

20 (c) ORS 430.610 to 430.880 for mental or emotional disturbances.

21 **SECTION 86.** ORS 433.443 is amended to read:

22 433.443. (1) As used in this section:

23 (a) "Covered entity" means:

24 (A) The Children's Health Insurance Program;

25 (B) A health insurer that is an insurer as defined in ORS 731.106 and that issues health insur-  
26 ance as defined in ORS 731.162;

27 (C) The state medical assistance program; and

28 (D) A health care provider.

29 (b) "Health care provider" includes but is not limited to:

30 (A) A psychologist, occupational therapist, regulated social worker, professional counselor or  
31 marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675  
32 **or section 1 of this 2023 Act** or an employee of the psychologist, occupational therapist, regulated  
33 social worker, professional counselor or marriage and family therapist;

34 (B) A physician or physician assistant licensed under ORS chapter 677, an acupuncturist li-  
35 censed under ORS 677.759 or an employee of the physician, physician assistant or acupuncturist;

36 (C) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of  
37 the nurse or nursing home administrator;

38 (D) A dentist licensed under ORS chapter 679 or an employee of the dentist;

39 (E) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental  
40 hygienist or denturist;

41 (F) A speech-language pathologist or audiologist licensed under ORS chapter 681 **or section 1**  
42 **of this 2023 Act** or an employee of the speech-language pathologist or audiologist;

43 (G) An emergency medical services provider licensed under ORS chapter 682;

44 (H) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;

45 (I) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic

1 physician;

2 (J) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic  
3 physician;

4 (K) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage  
5 therapist;

6 (L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct  
7 entry midwife;

8 (M) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical  
9 therapist;

10 (N) A medical imaging licensee under ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or  
11 an employee of the medical imaging licensee;

12 (O) A respiratory care practitioner licensed under ORS 688.815 **or section 1 of this 2023 Act**  
13 or an employee of the respiratory care practitioner;

14 (P) A polysomnographic technologist licensed under ORS 688.819 or an employee of the poly-  
15 somnographic technologist;

16 (Q) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;

17 (R) A dietitian licensed under ORS 691.405 to 691.485 or an employee of the dietitian;

18 (S) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral  
19 service practitioner;

20 (T) A health care facility as defined in ORS 442.015;

21 (U) A home health agency as defined in ORS 443.014;

22 (V) A hospice program as defined in ORS 443.850;

23 (W) A clinical laboratory as defined in ORS 438.010;

24 (X) A pharmacy as defined in ORS 689.005; and

25 (Y) Any other person or entity that furnishes, bills for or is paid for health care in the normal  
26 course of business.

27 (c) "Individual" means a natural person.

28 (d) "Individually identifiable health information" means any oral or written health information  
29 in any form or medium that is:

30 (A) Created or received by a covered entity, an employer or a health care provider that is not  
31 a covered entity; and

32 (B) Identifiable to an individual, including demographic information that identifies the individual,  
33 or for which there is a reasonable basis to believe the information can be used to identify an indi-  
34 vidual, and that relates to:

35 (i) The past, present or future physical or mental health or condition of an individual;

36 (ii) The provision of health care to an individual; or

37 (iii) The past, present or future payment for the provision of health care to an individual.

38 (e) "Legal representative" means attorney at law, person holding a general power of attorney,  
39 guardian, conservator or any person appointed by a court to manage the personal or financial affairs  
40 of a person, or agency legally responsible for the welfare or support of a person.

41 (2)(a) During a public health emergency declared under ORS 433.441, the Public Health Director  
42 may, as necessary to appropriately respond to the public health emergency:

43 (A) Adopt reporting requirements for and provide notice of those requirements to health care  
44 providers, institutions and facilities for the purpose of obtaining information directly related to the  
45 public health emergency;

1 (B) After consultation with appropriate medical experts, create and require the use of diagnostic  
2 and treatment protocols to respond to the public health emergency and provide notice of those  
3 protocols to health care providers, institutions and facilities;

4 (C) Order, or authorize local public health administrators to order, public health measures ap-  
5 propriate to the public health threat presented;

6 (D) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons  
7 who are three years of age or older;

8 (E) Upon approval of the Governor, take other actions necessary to address the public health  
9 emergency and provide notice of those actions to health care providers, institutions and facilities,  
10 including public health actions authorized by ORS 431A.015;

11 (F) Take any enforcement action authorized by ORS 431A.010, including the imposition of civil  
12 penalties of up to \$500 per day against individuals, institutions or facilities that knowingly fail to  
13 comply with requirements resulting from actions taken in accordance with the powers granted to  
14 the Public Health Director under subparagraphs (A), (B) and (E) of this paragraph; and

15 (G) The authority granted to the Public Health Director under this section:

16 (i) Supersedes any authority granted to a local public health authority if the local public health  
17 authority acts in a manner inconsistent with guidelines established or rules adopted by the director  
18 under this section; and

19 (ii) Does not supersede the general authority granted to a local public health authority or a  
20 local public health administrator except as authorized by law or necessary to respond to a public  
21 health emergency.

22 (b) The authority of the Public Health Director to take administrative action, and the effec-  
23 tiveness of any action taken, under paragraph (a)(A), (B) and (D) to (G) of this subsection terminates  
24 upon the expiration of the declared state of public health emergency, unless the actions are con-  
25 tinued under other applicable law.

26 (3) Civil penalties under subsection (2) of this section shall be imposed in the manner provided  
27 in ORS 183.745. The Public Health Director must establish that the individual, institution or facility  
28 subject to the civil penalty had actual notice of the action taken that is the basis for the penalty.  
29 The maximum aggregate total for penalties that may be imposed against an individual, institution  
30 or facility under subsection (2) of this section is \$500 for each day of violation, regardless of the  
31 number of violations of subsection (2) of this section that occurred on each day of violation.

32 (4)(a) During a declared state of public health emergency, the Public Health Director and local  
33 public health administrators shall be given immediate access to individually identifiable health in-  
34 formation necessary to:

35 (A) Determine the causes of an illness related to the public health emergency;

36 (B) Identify persons at risk;

37 (C) Identify patterns of transmission;

38 (D) Provide treatment; and

39 (E) Take steps to control the disease.

40 (b) Individually identifiable health information accessed as provided by paragraph (a) of this  
41 subsection may not be used for conducting nonemergency epidemiologic research or to identify  
42 persons at risk for post-traumatic mental health problems, or for any other purpose except the pur-  
43 poses listed in paragraph (a) of this subsection.

44 (c) Individually identifiable health information obtained by the Public Health Director or local  
45 public health administrators under this subsection may not be disclosed without written authori-

1 zation of the identified individual except:

2 (A) Directly to the individual who is the subject of the information or to the legal representative  
3 of that individual;

4 (B) To state, local or federal agencies authorized to receive such information by state or federal  
5 law;

6 (C) To identify or to determine the cause or manner of death of a deceased individual; or

7 (D) Directly to a health care provider for the evaluation or treatment of a condition that is the  
8 subject of a declaration of a state of public health emergency issued under ORS 433.441.

9 (d) Upon expiration of the state of public health emergency, the Public Health Director or local  
10 public health administrators may not use or disclose any individually identifiable health information  
11 that has been obtained under this section. If a state of emergency that is related to the state of  
12 public health emergency has been declared under ORS 401.165, the Public Health Director and local  
13 public health administrators may continue to use any individually identifiable information obtained  
14 as provided under this section until termination of the state of emergency.

15 (5) All civil penalties recovered under this section shall be paid into the State Treasury and  
16 credited to the General Fund and are available for general governmental expenses.

17 (6) The Public Health Director may request assistance in enforcing orders issued pursuant to  
18 this section from state or local law enforcement authorities. If so requested by the Public Health  
19 Director, state and local law enforcement authorities, to the extent resources are available, shall  
20 assist in enforcing orders issued pursuant to this section.

21 (7) If the Oregon Health Authority adopts temporary rules to implement the provisions of this  
22 section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The authority may  
23 amend temporary rules adopted pursuant to this subsection as often as necessary to respond to the  
24 public health emergency.

25 **SECTION 87.** ORS 441.098 is amended to read:

26 441.098. (1) As used in this section and ORS 441.099 and 441.991:

27 (a) “Facility” means a hospital, outpatient clinic owned by a hospital, ambulatory surgical cen-  
28 ter, freestanding birthing center or facility that receives Medicare reimbursement as an independent  
29 diagnostic testing facility.

30 (b) “Financial interest” means a five percent or greater direct or indirect ownership interest.

31 (c)(A) “Health practitioner” means a physician, naturopathic physician licensed under ORS  
32 chapter 685, dentist, direct entry midwife, licensed physician assistant or medical imaging licensee  
33 under ORS 688.405 to 688.605 or **section 1 of this 2023 Act** or a nurse practitioner or nurse prac-  
34 titioner specializing in nurse midwifery licensed under ORS chapter 678.

35 (B) “Health practitioner” does not include a provider in a health maintenance organization as  
36 defined in ORS 750.005.

37 (d) “Physician” has the meaning given that term in ORS 677.010.

38 (2) A health practitioner’s decision to refer a patient to a facility for a diagnostic test or health  
39 care treatment or service shall be based on the patient’s clinical needs and personal health choices.

40 (3) If a health practitioner refers a patient for a diagnostic test or health care treatment or  
41 service at a facility in which the health practitioner or an immediate family member of the health  
42 practitioner has a financial interest, the health practitioner or the practitioner’s designee shall in-  
43 form the patient orally and in writing of that interest at the time of the referral.

44 (4)(a) If a health practitioner refers a patient to a facility for a diagnostic test or health care  
45 treatment or service, the health practitioner or the practitioner’s designee shall inform the patient,

1 in the form and manner prescribed by the Oregon Health Authority by rule, that:

2 (A) The patient may receive the test, treatment or service at a different facility of the patient's  
3 choice; and

4 (B) If the patient chooses a different facility, the patient should contact the patient's insurer  
5 regarding the extent of coverage or the limitations on coverage for the test, treatment or service  
6 at the facility chosen by the patient.

7 (b) Rules concerning the form and manner for informing a patient as required by this subsection  
8 shall:

9 (A) Be designed to ensure that the information is conveyed in a timely and meaningful manner;

10 (B) Be administratively simple; and

11 (C) Accommodate a provider's adoption and use of electronic health record systems.

12 (5) A health practitioner may not deny, limit or withdraw a referral to a facility solely for the  
13 reason that the patient chooses to obtain the test, treatment or service from a different facility.

14 (6) The authority may not impose additional restrictions or limitations on any referral described  
15 in this section that are in addition to the requirements specified in subsections (3) and (4) of this  
16 section.

17 (7) In obtaining informed consent for a diagnostic test or health care treatment or service that  
18 will take place at a facility, a health practitioner shall disclose the manner in which care will be  
19 provided in the event that complications occur that require health services beyond what the facility  
20 has the capability to provide.

21 (8) Subsections (3) to (5) of this section do not apply to a referral for a diagnostic test or health  
22 care treatment or service:

23 (a) For a patient who is receiving inpatient hospital services or services in an emergency de-  
24 partment if the referral is for a diagnostic test or health care treatment or service to be performed  
25 while the patient is in the hospital or emergency department;

26 (b) Made to a particular facility after the initial referral of the patient to that facility; or

27 (c) Made by the facility or provider to whom a patient was referred.

28 **SECTION 88.** ORS 609.656 is amended to read:

29 609.656. (1) As used in this section:

30 (a) "Abuse or neglect" means:

31 (A) Animal abuse in the second degree as described in ORS 167.315;

32 (B) Animal abuse in the first degree as described in ORS 167.320;

33 (C) Aggravated animal abuse in the first degree as described in ORS 167.322;

34 (D) Animal neglect in the second degree as described in ORS 167.325; or

35 (E) Animal neglect in the first degree as described in ORS 167.330.

36 (b) "Regulated social worker" means a person authorized under ORS 675.510 to 675.600 **or sec-**  
37 **tion 1 of this 2023 Act** to perform regulated social work.

38 (2) Notwithstanding ORS 40.250, in addition to the authorization under ORS 609.654 to report  
39 aggravated animal abuse in the first degree, a regulated social worker who is an employee of the  
40 Department of Human Services and has reasonable cause to believe that an animal with which the  
41 social worker has come in contact as an employee of the department has suffered abuse or neglect,  
42 or that any person with whom the social worker has come in contact as an employee of the de-  
43 partment has committed abuse or neglect of an animal, may immediately report the suspected abuse  
44 or neglect in the manner prescribed in subsection (3) of this section.

45 (3) A report under subsection (2) of this section may be made to a law enforcement agency, ei-

1 ther orally or in writing, and may include, if known:

2 (a) The name and description of each animal involved;

3 (b) The address and telephone number of the owner or other person responsible for the care of  
4 the animal;

5 (c) The nature and extent of the suspected abuse or neglect;

6 (d) Any evidence of previous abuse or neglect or of previous aggravated animal abuse in the  
7 first degree as described in ORS 167.322;

8 (e) Any explanation given for the suspected abuse or neglect; and

9 (f) Any other information that the regulated social worker believes may be helpful in establish-  
10 ing the cause of the suspected abuse or neglect or the identity of a person causing abuse or neglect.

11 (4) A regulated social worker who acts in good faith and has reasonable grounds for making a  
12 report under this section of suspected abuse or neglect is not liable in any civil or criminal pro-  
13 ceeding brought as a result of making the report.

14 **SECTION 89.** ORS 659A.150 is amended to read:

15 659A.150. As used in ORS 659A.150 to 659A.186:

16 (1) “Covered employer” means an employer described in ORS 659A.153.

17 (2) “Eligible employee” means any employee of a covered employer other than those employees  
18 exempted under the provisions of ORS 659A.156.

19 (3) “Family leave” means a leave of absence described in ORS 659A.159, except that “family  
20 leave” does not include leave taken by an eligible employee who is unable to work because of a  
21 disabling compensable injury, as defined in ORS 656.005, under ORS chapter 656.

22 (4) “Family member” means the spouse of an employee, the biological, adoptive or foster parent  
23 or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the em-  
24 ployee or a person with whom the employee was or is in a relationship of in loco parentis.

25 (5) “Health care provider” means:

26 (a) A person who is primarily responsible for providing health care to an eligible employee or  
27 a family member of an eligible employee, who is performing within the scope of the person’s pro-  
28 fessional license or certificate and who is:

29 (A) A physician licensed under ORS chapter 677;

30 (B) A physician assistant licensed under ORS 677.505 to 677.525;

31 (C) A dentist licensed under ORS 679.090;

32 (D) A psychologist licensed under ORS 675.030;

33 (E) An optometrist licensed under ORS 683.070;

34 (F) A [*naturopath*] **naturopathic physician** licensed under ORS 685.080;

35 (G) A registered nurse licensed under ORS 678.050;

36 (H) A nurse practitioner licensed under ORS 678.375;

37 (I) A direct entry midwife licensed under ORS 687.420;

38 (J) A licensed registered nurse licensed by the Oregon State Board of Nursing as a nurse prac-  
39 titioner specializing in nurse midwifery;

40 (K) A regulated social worker authorized to practice regulated social work under ORS 675.510  
41 to 675.600 **or section 1 of this 2023 Act**; or

42 (L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic  
43 physician provides treatment consisting of manual manipulation of the spine to correct a subluxation  
44 demonstrated to exist by X-rays.

45 (b) A person who is primarily responsible for the treatment of an eligible employee or a family



1 member of an eligible employee solely through spiritual means, including but not limited to a  
2 Christian Science practitioner.

3 (6) "Public health emergency" means:

4 (a) A public health emergency declared under ORS 433.441.

5 (b) An emergency declared under ORS 401.165 if related to a public health emergency as defined  
6 in ORS 433.442.

7 (7) "Serious health condition" means:

8 (a) An illness, injury, impairment or physical or mental condition that requires inpatient care  
9 in a hospital, hospice or residential medical care facility;

10 (b) An illness, disease or condition that in the medical judgment of the treating health care  
11 provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility  
12 of death in the near future, or requires constant care;

13 (c) Any period of disability due to pregnancy, or period of absence for prenatal care; or

14 (d) Any period of absence for the donation of a body part, organ or tissue, including preoperative  
15 or diagnostic services, surgery, post-operative treatment and recovery.

16 **SECTION 90.** ORS 675.655, as amended by section 1, chapter 17, Oregon Laws 2022, is amended  
17 to read:

18 675.655. (1) The Oregon Health Authority shall provide incentives to increase the recruitment  
19 and retention of providers in the behavioral health care workforce with associate, bachelor's,  
20 master's, or doctoral degrees or other credentials that increase access to services that are peer- and  
21 community-driven and that provide culturally specific and culturally responsive services for people  
22 of color, tribal communities and persons with lived behavioral health experiences.

23 (2) The authority shall increase access to services for rural and underserved communities by:

24 (a) Expanding funding to provide incentives to culturally specific peers, traditional health  
25 workers, unlicensed, licensed or certified providers of behavioral health care and licensed  
26 prescribers.

27 (b) Developing programs and providing incentives to increase the number of individuals training  
28 for and entering the field of behavioral health and to improve the retention of behavioral health care  
29 providers in this state through:

30 (A) Scholarships for undergraduate and graduate students going into the behavioral health field;

31 (B) Loan forgiveness and repayment incentives for qualified behavioral health care providers;

32 (C) Housing assistance;

33 (D) Sign-on bonuses;

34 (E) Part-time and flex time opportunities;

35 (F) Retention bonuses;

36 (G) Professional development;

37 (H) Tax subsidies;

38 (I) Child care subsidies;

39 (J) Subsidized dual certification with a specific focus on rural and vulnerable populations and  
40 pay equity;

41 (K) Tuition assistance;

42 (L) Bonuses and stipends for supervisors of interns;

43 (M) Licensing examination preparation;

44 (N) Stipends for students enrolled in graduate behavioral health programs; or

45 (O) Other programs and incentives.

1 (3) The authority shall develop a program to award qualified mental health care providers stu-  
 2 dent loan forgiveness or student loan repayment subsidies if the qualified mental health care pro-  
 3 vider commits to two consecutive years of full-time practice in:

4 (a) A publicly funded or public mental health facility;

5 (b) A nonprofit mental health facility that contracts with a county to provide mental health  
 6 services;

7 (c) A mental health professional shortage area, as defined by the authority by rule; or

8 (d) Other programs or facilities that serve the communities described in subsection (1) of this  
 9 section.

10 (4) The subsidy described in subsection (3) of this section applies to a qualified mental health  
 11 care provider's student loans incurred for the educational program that led to the qualified mental  
 12 health care provider's licensure or certification as:

13 (a) A licensed psychologist, as defined in ORS 675.010;

14 (b) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act**;

15 (c) A master's social worker licensed under ORS 675.533 **or section 1 of this 2023 Act**;

16 (d) A clinical social work associate certified under ORS 675.537 **or section 1 of this 2023 Act**;

17 (e) A licensed marriage and family therapist, as defined in ORS 675.705;

18 (f) A licensed professional counselor, as defined in ORS 675.705; or

19 (g) Another type of behavioral health care provider as prescribed by the authority by rule.

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

21 **SECTION 91.** ORS 675.658, as amended by section 2, chapter 17, Oregon Laws 2022, is amended  
 22 to read:

23 675.658. (1) The Oregon Health Authority shall establish a program to provide grants to licensed  
 24 psychologists, marriage and family therapists licensed under ORS 675.715, professional counselors  
 25 licensed under ORS 675.715, and clinical social workers licensed under ORS 675.530 **or section 1**  
 26 **of this 2023 Act** to provide supervised clinical experience to associates or other individuals who  
 27 have the necessary education but need supervised clinical experience to obtain a license to practice:

28 (a) Psychology;

29 (b) Marriage and family therapy, as defined in ORS 675.705;

30 (c) Professional counseling, as defined in ORS 675.705;

31 (d) Clinical social work, as defined in ORS 675.510; or

32 (e) Another behavioral health care discipline as prescribed by the authority by rule.

33 (2) The authority shall adopt rules to carry out the provisions of this section.

34 **SECTION 92.** ORS 675.661 is amended to read:

35 675.661. A public or private entity that employs mental health care providers who supervise  
 36 associates, interns or other individuals who must have supervised clinical experience as a condition  
 37 of licensure as a mental health care provider shall pay all costs incurred by the supervisor in pro-  
 38 viding supervision and the costs of the individual receiving supervision if the supervisor is:

39 (1) A licensed psychologist, as defined in ORS 675.010;

40 (2) A clinical social worker licensed under ORS 675.530 **or section 1 of this 2023 Act**;

41 (3) A master's social worker licensed under ORS 675.533 **or section 1 of this 2023 Act**;

42 (4) A licensed marriage and family therapist, as defined in ORS 675.705; or

43 (5) A licensed professional counselor, as defined in ORS 675.705.

44 **SECTION 93.** ORS 694.025 is amended to read:

45 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way ad-

1 vertise or represent that the person deals in hearing aids unless the person holds an active license  
 2 issued by the Health Licensing Office as provided in ORS 694.015 to 694.170.

3 (2) Notwithstanding subsection (1) of this section, ORS 694.015 to 694.170 do not apply to:

4 (a) An audiologist licensed under ORS chapter 681 **or section 1 of this 2023 Act.**

5 (b) A physician licensed under ORS chapter 677.

6 **SECTION 94.** ORS 694.065 is amended to read:

7 694.065. (1) Before an applicant may take the qualifying examination for licensure under ORS  
 8 694.015 to 694.170, the applicant must:

9 (a) Meet the training and experience requirements established by the Health Licensing Office  
 10 by rule;

11 (b) Meet the training requirements for licensure as an audiologist or for certification of a li-  
 12 censed physician by the American Board of Otolaryngology; or

13 (c) Meet the requirements for certification by the National Board for Certification in Hearing  
 14 Instrument Sciences.

15 (2) An individual seeking to obtain the experience and training specified in subsection (1)(a) of  
 16 this section necessary to take the examination shall obtain a trainee registration from the office  
 17 pursuant to rules adopted by the office. A trainee registration issued pursuant to this subsection  
 18 shall allow the holder of the registration to obtain training and experience under the direct super-  
 19 vision of a hearing aid specialist licensed in the State of Oregon or an audiologist licensed under  
 20 ORS chapter 681 **or section 1 of this 2023 Act.** An audiologist who supervises trainees must comply  
 21 with ORS 694.015 to 694.170 and rules adopted under ORS 694.015 to 694.170, and is subject to ORS  
 22 694.991, when supervising trainees.

23 (3) Examination of applicants for licensure under ORS 694.015 to 694.170 shall be held at least  
 24 once each quarter at such times and places as the office may determine.

25 (4) Timely and appropriate notice of the time and place of the examination shall be given to  
 26 each applicant and to each licensed hearing aid specialist or audiologist supervising a temporary  
 27 hearing aid specialist pursuant to rules adopted by the office.

28 (5) The office, in consultation with the Advisory Council on Hearing Aids, shall adopt rules es-  
 29 tablishing standards for examination scope, format, minimum acceptable performance and reexam-  
 30 ination qualifications. The examination shall be sufficiently thorough to determine the qualifications,  
 31 fitness and ability of the applicant to practice as a hearing aid specialist. The examination may be  
 32 in the form of written, oral or practical demonstration of skills, or a combination of any such types.

33 **SECTION 95.** ORS 743A.024 is amended to read:

34 743A.024. Whenever any individual or group health insurance policy or blanket health insurance  
 35 policy described in ORS 743.536 (3) provides for payment or reimbursement for any service within  
 36 the lawful scope of service of a clinical social worker licensed under ORS 675.530 **or section 1 of**  
 37 **this 2023 Act:**

38 (1) The insured under the policy shall be entitled to the services of a clinical social worker li-  
 39 censed under ORS 675.530 **or section 1 of this 2023 Act,** upon referral by a physician or psychol-  
 40 ogist.

41 (2) The insured under the policy shall be entitled to have payment or reimbursement made to  
 42 the insured or on behalf of the insured for the services performed. The payment or reimbursement  
 43 shall be in accordance with the benefits provided in the policy and shall be computed in the same  
 44 manner whether performed by a physician, by a psychologist or by a clinical social worker, ac-  
 45 cording to the customary and usual fee of clinical social workers in the area served.

1       **SECTION 96.** ORS 746.600 is amended to read:

2       746.600. As used in ORS 746.600 to 746.690:

3       (1)(a) “Adverse underwriting decision” means any of the following actions with respect to in-  
4       surance transactions involving insurance coverage that is individually underwritten:

5       (A) A declination of insurance coverage.

6       (B) A termination of insurance coverage.

7       (C) Failure of an insurance producer to apply for insurance coverage with a specific insurer that  
8       the insurance producer represents and that is requested by an applicant.

9       (D) In the case of life or health insurance coverage, an offer to insure at higher than standard  
10       rates.

11       (E) In the case of insurance coverage other than life or health insurance coverage:

12       (i) Placement by an insurer or insurance producer of a risk with a residual market mechanism,  
13       an unauthorized insurer or an insurer that specializes in substandard risks.

14       (ii) The charging of a higher rate on the basis of information that differs from that which the  
15       applicant or policyholder furnished.

16       (iii) An increase in any charge imposed by the insurer for any personal insurance in connection  
17       with the underwriting of insurance. For purposes of this sub-subparagraph, the imposition of a ser-  
18       vice fee is not a charge.

19       (b) “Adverse underwriting decision” does not mean any of the following actions, but the insurer  
20       or insurance producer responsible for the occurrence of the action must nevertheless provide the  
21       applicant or policyholder with the specific reason or reasons for the occurrence:

22       (A) The termination of an individual policy form on a class or statewide basis.

23       (B) A declination of insurance coverage solely because the coverage is not available on a class  
24       or statewide basis.

25       (C) The rescission of a policy.

26       (2) “Affiliate of” a specified person or “person affiliated with” a specified person means a person  
27       who directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is  
28       under common control with, the person specified.

29       (3) “Applicant” means a person who seeks to contract for insurance coverage, other than a  
30       person seeking group insurance coverage that is not individually underwritten.

31       (4) “Consumer” means an individual, or the personal representative of the individual, who seeks  
32       to obtain, obtains or has obtained one or more insurance products or services from a licensee that  
33       are to be used primarily for personal, family or household purposes, and about whom the licensee  
34       has personal information.

35       (5) “Consumer report” means any written, oral or other communication of information bearing  
36       on a natural person’s creditworthiness, credit standing, credit capacity, character, general reputa-  
37       tion, personal characteristics or mode of living that is used or expected to be used in connection  
38       with an insurance transaction.

39       (6) “Consumer reporting agency” means a person that, for monetary fees or dues, or on a co-  
40       operative or nonprofit basis:

41       (a) Regularly engages, in whole or in part, in assembling or preparing consumer reports;

42       (b) Obtains information primarily from sources other than insurers; and

43       (c) Furnishes consumer reports to other persons.

44       (7) “Control” means, and the terms “controlled by” or “under common control with” refer to,  
45       the possession, directly or indirectly, of the power to direct or cause the direction of the manage-

1 ment and policies of a person, whether through the ownership of voting securities, by contract other  
 2 than a commercial contract for goods or nonmanagement services, or otherwise, unless the power  
 3 of the person is the result of a corporate office held in, or an official position held with, the con-  
 4 trolled person.

5 (8) “Covered entity” means:

6 (a) A health insurer;

7 (b) A health care provider that transmits any health information in electronic form to carry out  
 8 financial or administrative activities in connection with a transaction covered by ORS 746.607 or  
 9 by rules adopted under ORS 746.608; or

10 (c) A health care clearinghouse.

11 (9) “Credit history” means any written or other communication of any information by a con-  
 12 sumer reporting agency that:

13 (a) Bears on a consumer’s creditworthiness, credit standing or credit capacity; and

14 (b) Is used or expected to be used, or collected in whole or in part, as a factor in determining  
 15 eligibility, premiums or rates for personal insurance.

16 (10) “Customer” means a consumer who has a continuing relationship with a licensee under  
 17 which the licensee provides one or more insurance products or services to the consumer that are  
 18 to be used primarily for personal, family or household purposes.

19 (11) “Declination of insurance coverage” or “decline coverage” means a denial, in whole or in  
 20 part, by an insurer or insurance producer of an application for requested insurance coverage.

21 (12) “Health care” means care, services or supplies related to the health of an individual.

22 (13) “Health care operations” includes but is not limited to:

23 (a) Quality assessment, accreditation, auditing and improvement activities;

24 (b) Case management and care coordination;

25 (c) Reviewing the competence, qualifications or performance of health care providers or health  
 26 insurers;

27 (d) Underwriting activities;

28 (e) Arranging for legal services;

29 (f) Business planning;

30 (g) Customer services;

31 (h) Resolving internal grievances;

32 (i) Creating deidentified information; and

33 (j) Fundraising.

34 (14) “Health care provider” includes but is not limited to:

35 (a) A psychologist, occupational therapist, regulated social worker, professional counselor or  
 36 marriage and family therapist licensed or otherwise authorized to practice under ORS chapter 675  
 37 **or section 1 of this 2023 Act** or an employee of the psychologist, occupational therapist, regulated  
 38 social worker, professional counselor or marriage and family therapist;

39 (b) A physician or physician assistant licensed under ORS chapter 677, an acupuncturist licensed  
 40 under ORS 677.759 or an employee of the physician, physician assistant or acupuncturist;

41 (c) A nurse or nursing home administrator licensed under ORS chapter 678 or an employee of  
 42 the nurse or nursing home administrator;

43 (d) A dentist licensed under ORS chapter 679 or an employee of the dentist;

44 (e) A dental hygienist or denturist licensed under ORS chapter 680 or an employee of the dental  
 45 hygienist or denturist;

- 1 (f) A speech-language pathologist or audiologist licensed under ORS chapter 681 **or section 1**  
 2 **of this 2023 Act** or an employee of the speech-language pathologist or audiologist;
- 3 (g) An emergency medical services provider licensed under ORS chapter 682;
- 4 (h) An optometrist licensed under ORS chapter 683 or an employee of the optometrist;
- 5 (i) A chiropractic physician licensed under ORS chapter 684 or an employee of the chiropractic  
 6 physician;
- 7 (j) A naturopathic physician licensed under ORS chapter 685 or an employee of the naturopathic  
 8 physician;
- 9 (k) A massage therapist licensed under ORS 687.011 to 687.250 or an employee of the massage  
 10 therapist;
- 11 (L) A direct entry midwife licensed under ORS 687.405 to 687.495 or an employee of the direct  
 12 entry midwife;
- 13 (m) A physical therapist licensed under ORS 688.010 to 688.201 or an employee of the physical  
 14 therapist;
- 15 (n) A medical imaging licensee under ORS 688.405 to 688.605 **or section 1 of this 2023 Act** or  
 16 an employee of the medical imaging licensee;
- 17 (o) A respiratory care practitioner licensed under ORS 688.815 **or section 1 of this 2023 Act**  
 18 or an employee of the respiratory care practitioner;
- 19 (p) A polysomnographic technologist licensed under ORS 688.819 or an employee of the poly-  
 20 somnographic technologist;
- 21 (q) A pharmacist licensed under ORS chapter 689 or an employee of the pharmacist;
- 22 (r) A dietitian licensed under ORS 691.405 to 691.485 or an employee of the dietitian;
- 23 (s) A funeral service practitioner licensed under ORS chapter 692 or an employee of the funeral  
 24 service practitioner;
- 25 (t) A health care facility as defined in ORS 442.015;
- 26 (u) A home health agency as defined in ORS 443.014;
- 27 (v) A hospice program as defined in ORS 443.850;
- 28 (w) A clinical laboratory as defined in ORS 438.010;
- 29 (x) A pharmacy as defined in ORS 689.005;
- 30 (y) A diabetes self-management program as defined in ORS 743.694; and
- 31 (z) Any other person or entity that furnishes, bills for or is paid for health care in the normal  
 32 course of business.
- 33 (15) "Health information" means any oral or written information in any form or medium that:  
 34 (a) Is created or received by a covered entity, a public health authority, a life insurer, a school,  
 35 a university or a health care provider that is not a covered entity; and
- 36 (b) Relates to:  
 37 (A) The past, present or future physical or mental health or condition of an individual;  
 38 (B) The provision of health care to an individual; or  
 39 (C) The past, present or future payment for the provision of health care to an individual.
- 40 (16) "Health insurer" means an insurer who offers:  
 41 (a) A health benefit plan as defined in ORS 743B.005;  
 42 (b) A short term health insurance policy, the duration of which does not exceed three months  
 43 including renewals;
- 44 (c) A student health insurance policy;
- 45 (d) A Medicare supplemental policy; or

1 (e) A dental only policy.

2 (17) "Homeowner insurance" means insurance for residential property consisting of a combina-  
 3 tion of property insurance and casualty insurance that provides coverage for the risks of owning  
 4 or occupying a dwelling and that is not intended to cover an owner's interest in rental property or  
 5 commercial exposures.

6 (18) "Individual" means a natural person who:

7 (a) In the case of life or health insurance, is a past, present or proposed principal insured or  
 8 certificate holder;

9 (b) In the case of other kinds of insurance, is a past, present or proposed named insured or  
 10 certificate holder;

11 (c) Is a past, present or proposed policyowner;

12 (d) Is a past or present applicant;

13 (e) Is a past or present claimant; or

14 (f) Derived, derives or is proposed to derive insurance coverage under an insurance policy or  
 15 certificate that is subject to ORS 746.600 to 746.690.

16 (19) "Individually identifiable health information" means any oral or written health information  
 17 that is:

18 (a) Created or received by a covered entity or a health care provider that is not a covered en-  
 19 tity; and

20 (b) Identifiable to an individual, including demographic information that identifies the individual,  
 21 or for which there is a reasonable basis to believe the information can be used to identify an indi-  
 22 vidual, and that relates to:

23 (A) The past, present or future physical or mental health or condition of an individual;

24 (B) The provision of health care to an individual; or

25 (C) The past, present or future payment for the provision of health care to an individual.

26 (20) "Institutional source" means a person or governmental entity that provides information  
 27 about an individual to an insurer, insurance producer or insurance-support organization, other than:

28 (a) An insurance producer;

29 (b) The individual who is the subject of the information; or

30 (c) A natural person acting in a personal capacity rather than in a business or professional ca-  
 31 pacity.

32 (21) "Insurance producer" or "producer" means a person licensed by the Director of the De-  
 33 partment of Consumer and Business Services as a resident or nonresident insurance producer.

34 (22) "Insurance score" means a number or rating that is derived from an algorithm, computer  
 35 application, model or other process that is based in whole or in part on credit history.

36 (23)(a) "Insurance-support organization" means a person who regularly engages, in whole or in  
 37 part, in assembling or collecting information about natural persons for the primary purpose of pro-  
 38 viding the information to an insurer or insurance producer for insurance transactions, including:

39 (A) The furnishing of consumer reports to an insurer or insurance producer for use in con-  
 40 nection with insurance transactions; and

41 (B) The collection of personal information from insurers, insurance producers or other  
 42 insurance-support organizations for the purpose of detecting or preventing fraud, material misrep-  
 43 resentation or material nondisclosure in connection with insurance underwriting or insurance claim  
 44 activity.

45 (b) "Insurance-support organization" does not mean insurers, insurance producers, governmental

1 institutions or health care providers.

2 (24) "Insurance transaction" means any transaction that involves insurance primarily for per-  
 3 sonal, family or household needs rather than business or professional needs and that entails:

4 (a) The determination of an individual's eligibility for an insurance coverage, benefit or payment;  
 5 or

6 (b) The servicing of an insurance application, policy or certificate.

7 (25) "Insurer" has the meaning given that term in ORS 731.106.

8 (26) "Investigative consumer report" means a consumer report, or portion of a consumer report,  
 9 for which information about a natural person's character, general reputation, personal character-  
 10 istics or mode of living is obtained through personal interviews with the person's neighbors, friends,  
 11 associates, acquaintances or others who may have knowledge concerning such items of information.

12 (27) "Licensee" means an insurer, insurance producer or other person authorized or required to  
 13 be authorized, or licensed or required to be licensed, pursuant to the Insurance Code.

14 (28) "Loss history report" means a report provided by, or a database maintained by, an  
 15 insurance-support organization or consumer reporting agency that contains information regarding  
 16 the claims history of the individual property that is the subject of the application for a homeowner  
 17 insurance policy or the consumer applying for a homeowner insurance policy.

18 (29) "Nonaffiliated third party" means any person except:

19 (a) An affiliate of a licensee;

20 (b) A person that is employed jointly by a licensee and by a person that is not an affiliate of the  
 21 licensee; and

22 (c) As designated by the director by rule.

23 (30) "Payment" includes but is not limited to:

24 (a) Efforts to obtain premiums or reimbursement;

25 (b) Determining eligibility or coverage;

26 (c) Billing activities;

27 (d) Claims management;

28 (e) Reviewing health care to determine medical necessity;

29 (f) Utilization review; and

30 (g) Disclosures to consumer reporting agencies.

31 (31)(a) "Personal financial information" means:

32 (A) Information that is identifiable with an individual, gathered in connection with an insurance  
 33 transaction from which judgments can be made about the individual's character, habits, avocations,  
 34 finances, occupations, general reputation, credit or any other personal characteristics; or

35 (B) An individual's name, address and policy number or similar form of access code for the  
 36 individual's policy.

37 (b) "Personal financial information" does not mean information that a licensee has a reasonable  
 38 basis to believe is lawfully made available to the general public from federal, state or local gov-  
 39 ernment records, widely distributed media or disclosures to the public that are required by federal,  
 40 state or local law.

41 (32) "Personal information" means:

42 (a) Personal financial information;

43 (b) Individually identifiable health information; or

44 (c) Protected health information.

45 (33) "Personal insurance" means the following types of insurance products or services that are



1 to be used primarily for personal, family or household purposes:

2 (a) Private passenger automobile coverage;

3 (b) Homeowner, mobile homeowners, manufactured homeowners, condominium owners and  
4 renters coverage;

5 (c) Personal dwelling property coverage;

6 (d) Personal liability and theft coverage, including excess personal liability and theft coverage;  
7 and

8 (e) Personal inland marine coverage.

9 (34) "Personal representative" includes but is not limited to:

10 (a) A person appointed as a guardian under ORS 125.305, 419B.372, 419C.481 or 419C.555 with  
11 authority to make medical and health care decisions;

12 (b) A person appointed as a health care representative under ORS 127.505 to 127.660 or 127.700  
13 to 127.737 to make health care decisions or mental health treatment decisions;

14 (c) A person appointed as a personal representative under ORS chapter 113; and

15 (d) A person described in ORS 746.611.

16 (35) "Policyholder" means a person who:

17 (a) In the case of individual policies of life or health insurance, is a current policyowner;

18 (b) In the case of individual policies of other kinds of insurance, is currently a named insured;  
19 or

20 (c) In the case of group policies of insurance under which coverage is individually underwritten,  
21 is a current certificate holder.

22 (36) "Pretext interview" means an interview wherein the interviewer, in an attempt to obtain  
23 personal information about a natural person, does one or more of the following:

24 (a) Pretends to be someone the interviewer is not.

25 (b) Pretends to represent a person the interviewer is not in fact representing.

26 (c) Misrepresents the true purpose of the interview.

27 (d) Refuses upon request to identify the interviewer.

28 (37) "Privileged information" means information that is identifiable with an individual and that:

29 (a) Relates to a claim for insurance benefits or a civil or criminal proceeding involving the in-  
30 dividual; and

31 (b) Is collected in connection with or in reasonable anticipation of a claim for insurance benefits  
32 or a civil or criminal proceeding involving the individual.

33 (38)(a) "Protected health information" means individually identifiable health information that is  
34 transmitted or maintained in any form of electronic or other medium by a covered entity.

35 (b) "Protected health information" does not mean individually identifiable health information in:

36 (A) Education records covered by the federal Family Educational Rights and Privacy Act (20  
37 U.S.C. 1232g);

38 (B) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); or

39 (C) Employment records held by a covered entity in its role as employer.

40 (39) "Residual market mechanism" means an association, organization or other entity involved  
41 in the insuring of risks under ORS 735.005 to 735.145, 737.312 or other provisions of the Insurance  
42 Code relating to insurance applicants who are unable to procure insurance through normal insur-  
43 ance markets.

44 (40) "Termination of insurance coverage" or "termination of an insurance policy" means either  
45 a cancellation or a nonrenewal of an insurance policy, in whole or in part, for any reason other than

1 the failure of a premium to be paid as required by the policy.

2 (41) "Treatment" includes but is not limited to:

3 (a) The provision, coordination or management of health care; and

4 (b) Consultations and referrals between health care providers.

5  
6 **APPLICABILITY**

7  
8 **SECTION 97.** Sections 1 and 2 of this 2023 Act and the amendments to ORS 30.868, 31.260,  
9 31.740, 58.015, 67.005, 109.346, 109.680, 109.685, 192.556, 339.329, 343.146, 413.574, 430.010, 433.443,  
10 441.098, 609.656, 659A.150, 675.050, 675.270, 675.510, 675.523, 675.540, 675.560, 675.585, 675.595,  
11 675.597, 675.655, 675.658, 675.661, 675.735, 675.990, 676.565, 676.625, 676.992, 677.120, 677.133,  
12 677.512, 677.759, 677.830, 678.040, 678.111, 678.117, 678.150, 678.170, 678.410, 678.448, 678.770,  
13 679.060, 679.603, 680.050, 681.205, 681.230, 681.250, 681.340, 681.350, 681.360, 681.370, 681.420,  
14 681.480, 681.490, 681.495, 681.505, 682.216, 682.218, 683.220, 684.060, 685.085, 687.057, 687.430,  
15 688.080, 688.415, 688.425, 688.495, 688.525, 688.557, 688.585, 688.600, 688.603, 688.605, 688.800,  
16 688.802, 688.819, 688.836, 688.840, 688.915, 689.265, 691.445, 694.025, 694.065, 743A.024 and 746.600  
17 by sections 3 to 96 of this 2023 Act apply to applications for authorization received by a  
18 health professional regulatory board, as defined in section 1 of this 2023 Act, on and after the  
19 operative date specified in section 99 of this 2023 Act.

20  
21 **CAPTIONS**

22  
23 **SECTION 98.** The unit captions used in this 2023 Act are provided only for the conven-  
24 ience of the reader and do not become part of the statutory law of this state or express any  
25 legislative intent in the enactment of this 2023 Act.

26  
27 **OPERATIVE AND EFFECTIVE DATES**

28  
29 **SECTION 99.** (1) Sections 1 and 2 of this 2023 Act and the amendments to ORS 30.868,  
30 31.260, 31.740, 58.015, 67.005, 109.346, 109.680, 109.685, 192.556, 339.329, 343.146, 413.574, 430.010,  
31 433.443, 441.098, 609.656, 659A.150, 675.050, 675.270, 675.510, 675.523, 675.540, 675.560, 675.585,  
32 675.595, 675.597, 675.655, 675.658, 675.661, 675.735, 675.990, 676.565, 676.625, 676.992, 677.120,  
33 677.133, 677.512, 677.759, 677.830, 678.040, 678.111, 678.117, 678.150, 678.170, 678.410, 678.448,  
34 678.770, 679.060, 679.603, 680.050, 681.205, 681.230, 681.250, 681.340, 681.350, 681.360, 681.370,  
35 681.420, 681.480, 681.490, 681.495, 681.505, 682.216, 682.218, 683.220, 684.060, 685.085, 687.057,  
36 687.430, 688.080, 688.415, 688.425, 688.495, 688.525, 688.557, 688.585, 688.600, 688.603, 688.605,  
37 688.800, 688.802, 688.819, 688.836, 688.840, 688.915, 689.265, 691.445, 694.025, 694.065, 743A.024 and  
38 746.600 by sections 3 to 96 of this 2023 Act become operative on January 1, 2024.

39 (2) A health professional regulatory board, as defined in section 1 of this 2023 Act, may  
40 take any action before the operative date specified in subsection (1) of this section that is  
41 necessary to enable the board to exercise, on and after the operative date specified in sub-  
42 section (1) of this section, all of the duties, functions and powers conferred on the board by  
43 sections 1 and 2 of this 2023 Act and the amendments to ORS 30.868, 31.260, 31.740, 58.015,  
44 67.005, 109.346, 109.680, 109.685, 192.556, 339.329, 343.146, 413.574, 430.010, 433.443, 441.098,  
45 609.656, 659A.150, 675.050, 675.270, 675.510, 675.523, 675.540, 675.560, 675.585, 675.595, 675.597,

1 **675.655, 675.658, 675.661, 675.735, 675.990, 676.565, 676.625, 676.992, 677.120, 677.133, 677.512,**  
2 **677.759, 677.830, 678.040, 678.111, 678.117, 678.150, 678.170, 678.410, 678.448, 678.770, 679.060,**  
3 **679.603, 680.050, 681.205, 681.230, 681.250, 681.340, 681.350, 681.360, 681.370, 681.420, 681.480,**  
4 **681.490, 681.495, 681.505, 682.216, 682.218, 683.220, 684.060, 685.085, 687.057, 687.430, 688.080,**  
5 **688.415, 688.425, 688.495, 688.525, 688.557, 688.585, 688.600, 688.603, 688.605, 688.800, 688.802,**  
6 **688.819, 688.836, 688.840, 688.915, 689.265, 691.445, 694.025, 694.065, 743A.024 and 746.600 by**  
7 **sections 3 to 96 of this 2023 Act.**

8 **SECTION 100. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
9 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

10