

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3824

By COMMITTEE ON HEALTH CARE

June 25

- 1 On page 1 of the printed A-engrossed bill, line 3, after “688.435” insert “, 742.400”.
- 2 In line 6, delete “8” and insert “6”.
- 3 On page 2, delete lines 15 through 24 and insert:
- 4 **“SECTION 5. (1) A physical therapist may perform dry needling, as defined by the Oregon**
- 5 **Board of Physical Therapy by rule.**
- 6 **“(2) The board shall adopt rules to carry out this section, including rules to establish**
- 7 **training requirements that a physical therapist must meet in order to perform dry**
- 8 **needling.”**
- 9 In line 25, delete “7” and insert “6”.
- 10 Delete lines 41 through 45 and delete page 3.
- 11 On page 4, delete lines 1 through 21 and insert:
- 12 **“SECTION 7. ORS 688.010 is amended to read:**
- 13 **“688.010. As used in ORS 688.010 to 688.201, unless the context requires otherwise:**
- 14 **“(1) ‘Competence’ means the application of knowledge, skills and behaviors by a physical**
- 15 **therapist or physical therapist assistant required for the physical therapist or physical**
- 16 **therapist assistant to function effectively, safely, ethically and legally within the context of**
- 17 **the patient’s role and environment.**
- 18 **“(2) ‘Consultation’ means the act of a physical therapist seeking assistance from, or**
- 19 **rendering professional or expert opinion or advice to, another physical therapist or health**
- 20 **care provider.**
- 21 **“(3) ‘Continuing competency’ means the continual process for a physical therapist or**
- 22 **physical therapist assistant to maintain and document competence through ongoing self-**
- 23 **assessment, development and implementation of a personal learning plan, and the subsequent**
- 24 **reassessment of the personal learning plan.**
- 25 **“(4) ‘On-site supervision’ means supervision by a physical therapist who is:**
- 26 **“(a) Continuously and physically on site and present in the department or health care**
- 27 **facility where the supervised services are provided;**
- 28 **“(b) Immediately available to the supervisee; and**
- 29 **“(c) Continually involved in the necessary aspects of patient care.**
- 30 **“[(1)] (5) ‘Physical therapist’ or ‘physiotherapist’ means a person [who is licensed pursuant to]**
- 31 **licensed under ORS 688.010 to 688.201 to practice physical therapy.**
- 32 **“[(2)] (6) ‘Physical therapist aide’ means a person who is trained by a physical therapist or**
- 33 **physical therapist assistant to perform designated and supervised routine tasks related to physical**
- 34 **therapy and who works under the direct on-site supervision of a physical therapist or physical**
- 35 **therapist assistant.**

1 “[(3)] (7) ‘Physical therapist assistant’ means a person **licensed under ORS 688.010 to 688.201**  
2 who assists a physical therapist in the administration of selected components of physical therapy  
3 **treatment** intervention. [*A physical therapist assistant works under the supervision and direction of*  
4 *the physical therapist.*]

5 “[(4)] (8) ‘Physical therapy’ means the care and services provided by a physical therapist or by  
6 a physical therapist assistant under the supervision and direction of a physical therapist.

7 “[(5)] (9) ‘Practice of physical therapy’ means:

8 “(a) Examining, evaluating and testing for mechanical, physiological and developmental impair-  
9 ments, functional limitations and disabilities or other neuromusculoskeletal conditions in order to  
10 determine a physical therapy diagnosis or prognosis or a plan of physical therapy intervention and  
11 to assess the ongoing effects of physical therapy intervention.

12 “(b) Alleviating impairments and functional limitations by designing, implementing, administer-  
13 ing and modifying physical therapy interventions.

14 “(c) Reducing the risk of injury, impairment, functional limitation and disability by physical  
15 therapy interventions that may include as a component the promotion and maintenance of health,  
16 fitness and quality of life in all age populations.

17 “(d) Consulting or providing educational services to a patient for the purposes of paragraphs (a),  
18 (b) and (c) of this subsection.

19 “(10) ‘Supervision’ means the process by which a physical therapist oversees and directs  
20 safe and effective delivery of patient care by a physical therapist assistant or physical ther-  
21 apist aide through appropriate verbal, written or electronic communication, while the phys-  
22 ical therapist is physically on site or located remotely.”.

23 In line 22, delete “10” and insert “8”.

24 In line 31, delete “11” and insert “9”.

25 On page 5, line 14, delete “12” and insert “10”.

26 On page 6, line 27, delete “13” and insert “11”.

27 On page 8, line 5, delete “14” and insert “12”.

28 On page 9, line 7, delete “15” and insert “13”.

29 In line 26, delete “16” and insert “14”.

30 On page 10, line 11, delete “17” and insert “15”.

31 In line 21, delete “18” and insert “16”.

32 On page 11, line 37, delete “19” and insert “17”.

33 On page 14, line 36, delete “20” and insert “18”.

34 On page 16, line 41, delete “21” and insert “19”.

35 On page 17, line 21, delete “22” and insert “20”.

36 Delete lines 36 through 45 and delete page 18 and insert:

37 “**SECTION 21.** ORS 742.400, as amended by section 152, chapter 73, Oregon Laws 2024, is  
38 amended to read:

39 “742.400. (1) As used in this section:

40 “(a) ‘Claim’ means a written demand for payment from or on behalf of a covered practitioner for  
41 an injury alleged to have been caused by professional negligence that is made in a complaint filed  
42 with a court of appropriate jurisdiction.

43 “(b) ‘Covered practitioner’ means a:

44 “(A) Chiropractic physician[,] **licensed under ORS 684.040 to 684.105;**

45 “(B) Physician **licensed under ORS chapter 677** or physician associate licensed under ORS

1 [chapter 677] licensed under ORS 677.505 to 677.525[.];

2 “(C) Nurse practitioner[,] licensed under ORS 678.375 to 678.390;

3 “(D) Optometrist[,] licensed under ORS 683.010 to 683.340;

4 “(E) Dentist[,] licensed under ORS chapter 679 or dental hygienist [or] licensed under ORS

5 680.040 to 680.100;

6 “(F) Naturopathic physician[,] licensed under ORS chapter 685; or

7 “(G) Physical therapist licensed under ORS 688.040 to 688.145.

8 “(c) ‘Disposition of a claim’ means:

9 “(A) A judgment or award against the covered practitioner by a court, a jury or an arbitrator;

10 “(B) A withdrawal or dismissal of the claim; or

11 “(C) A settlement of the claim.

12 “(d) ‘Reporter’ means:

13 “(A) A primary insurer;

14 “(B) A public body required to defend, save harmless and indemnify an officer, employee or

15 agent of the public body under ORS 30.260 to 30.300;

16 “(C) An entity that self-insures or indemnifies for claims alleging professional negligence on the

17 part of a covered practitioner; or

18 “(D) A health maintenance organization as defined in ORS 750.005.

19 “(2) Within 30 days after receiving notice of a claim, a reporter shall report the claim to the

20 appropriate board, as follows:

21 “(a) The Oregon Medical Board if the covered practitioner is a physician or physician associate

22 [licensed under ORS chapter 677];

23 “(b) The Oregon State Board of Nursing if the covered practitioner is a nurse practitioner;

24 “(c) The Oregon Board of Optometry if the covered practitioner is an optometrist;

25 “(d) The Oregon Board of Dentistry if the covered practitioner is a dentist or dental hygienist;

26 “(e) The Oregon Board of Naturopathic Medicine if the covered practitioner is a naturopathic

27 physician; [or]

28 “(f) The State Board of Chiropractic Examiners if the covered practitioner is a chiropractic

29 physician[.]; **or**

30 “(g) **The Oregon Board of Physical Therapy if the covered practitioner is a physical**

31 **therapist.**

32 “(3) The report required under subsection (2) of this section shall include:

33 “(a) The name of the covered practitioner;

34 “(b) The name of the person that filed the claim;

35 “(c) The date on which the claim was filed; and

36 “(d) The reason or reasons for the claim, except that the report may not disclose any data that

37 is privileged under ORS 41.675.

38 “(4) Within 30 days after the date of an action taken in disposition of a claim, a reporter shall

39 notify the appropriate board identified in subsection (2) of this section of the disposition.

40 “(5)(a) A board that receives a report of a claim under this section shall publicly post the report

41 on the board’s website if the claim results in a judicial finding or admission of liability or a money

42 judgment, award or settlement that involves a payment to the claimant. The board may not publicly

43 post information about claims that did not result in a judicial finding or admission of liability or a

44 money judgment, award or settlement that involves a payment to the claimant but shall make the

45 information available to the public upon request.

1 “(b) If a board discloses information about a claim that is the subject of a report received under  
2 this section, the board shall indicate in the disclosure whether the claim resulted in a judicial  
3 finding or an admission of liability or a money judgment, an award or a settlement that involves a  
4 payment to the claimant. A board may not publicly disclose or publish any allegations or factual  
5 assertions included in the claim unless the complaint resulted in a judicial finding or an admission  
6 of liability or a money judgment, an award or a settlement that involves a payment to the claimant.

7 “(c) For purposes of this subsection, ‘judicial finding’ means a finding of liability by a court, a  
8 jury or an arbitrator.

9 “(6) A board that receives a report under this section shall provide copies of the report to each  
10 health care facility licensed under ORS 441.015 to 441.119, 441.525 to 441.595, 441.815, 441.820,  
11 441.990, 441.993, 442.342, 442.344 and 442.400 to 442.463 that employs or grants staff privileges to the  
12 covered practitioner.

13 “(7) A person that reports in good faith concerning any matter required to be reported under  
14 this section is immune from civil liability by reason of making the report.

15 **“SECTION 22. ORS 688.040 and 688.090 are repealed.**

16 **“SECTION 23. The amendments to ORS 688.160 by section 18 of this 2025 Act apply to**  
17 **members appointed to the Oregon Board of Physical Therapy on or after the operative date**  
18 **specified in section 24 of this 2025 Act.**

19 **“SECTION 24. (1) Sections 2 to 6 of this 2025 Act, the amendments to ORS 688.010,**  
20 **688.015, 688.020, 688.030, 688.050, 688.055, 688.080, 688.100, 688.110, 688.135, 688.140, 688.160,**  
21 **688.435, 742.400 and 811.604 by sections 7 to 21 of this 2025 Act and the repeal of ORS 688.040**  
22 **and 688.090 by section 22 of this 2025 Act become operative on July 1, 2027.**

23 **“(2) The Oregon Board of Physical Therapy may take any action before the operative date**  
24 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**  
25 **on and after the operative date specified in subsection (1) of this section, all of the duties,**  
26 **functions and powers conferred on the board by sections 2 to 6 of this 2025 Act and the**  
27 **amendments to ORS 688.010, 688.015, 688.020, 688.030, 688.050, 688.055, 688.080, 688.100, 688.110,**  
28 **688.135, 688.140, 688.160, 688.435, 742.400 and 811.604 by sections 7 to 21 of this 2025 Act and**  
29 **the repeal of ORS 688.040 and 688.090 by section 22 of this 2025 Act.**

30 **“SECTION 25. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
31 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**