

HOUSE AMENDMENTS TO SENATE BILL 874

By COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

May 27

1 On page 1 of the printed bill, line 2, delete “and 677.275” and insert “, 677.275, 677.757, 677.759,
2 677.761 and 677.780”.

3 Delete lines 4 through 30 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 677.010 is amended to read:

5 “677.010. As used in this chapter, subject to the exemptions in ORS 677.060 and unless the
6 context requires otherwise:

7 “(1) ‘Approved internship’ means the first year of post-graduate training served in a hospital that
8 is approved by the **Oregon Medical** Board or by the Accreditation Council [of] **for** Graduate Med-
9 ical Education **or its successor organization**, the American Osteopathic Association **or its suc-**
10 **cessor organization** or the Royal College of Physicians and Surgeons of Canada **or its successor**
11 **organization**.

12 “(2) ‘Approved school of medicine’ means a school offering a full-time resident program of study
13 in medicine or osteopathic medicine leading to a degree of Doctor of Medicine or Doctor of
14 Osteopathic Medicine, such program having been fully accredited or conditionally approved by the
15 Liaison Committee on Medical Education, or its successor agency, or the American Osteopathic
16 Association, or its successor agency, or having been otherwise determined by the board to meet the
17 association standards as specifically incorporated into board rules.

18 “[3] ‘Board’ means the Oregon Medical Board.]

19 “[4] (3) ‘Diagnose’ means to examine another person in any manner to determine the source
20 or nature of a disease or other physical or mental condition, or to hold oneself out or represent that
21 a person is so examining another person. It is not necessary that the examination be made in the
22 presence of such other person; [it] **the examination** may be made on information supplied either
23 directly or indirectly by such other person.

24 “[5] (4) ‘Dispense’ means the preparation and delivery of a prescription drug, pursuant to a
25 lawful order of a practitioner, in a suitable container appropriately labeled for subsequent adminis-
26 tration to or use by a patient or other individual entitled to receive the prescription drug.

27 “[6] (5) ‘Dispensing physician’ means a physician or podiatric physician and surgeon who pur-
28 chases prescription drugs for the purpose of dispensing them to patients or other individuals entitled
29 to receive the prescription drug and who dispenses them accordingly.

30 “[7] (6) ‘Drug’ means all medicines and preparations for internal or external use of humans,
31 intended to be used for the cure, mitigation or prevention of diseases or abnormalities of humans,
32 which are recognized in any published United States Pharmacopoeia or National Formulary, or
33 otherwise established as a drug.

34 “[8] (7) ‘Fellow’ means an individual who has not qualified under ORS 677.100 (1) and (2) and
35 who is pursuing some special line of study as part of a supervised program of a school of medicine,

1 a hospital approved for internship or residency training, or an institution for medical research or
2 education that provides for a period of study under the supervision of a responsible member of that
3 hospital or institution, such school, hospital or institution having been approved by the board.

4 “[9] (8) ‘Intern’ means an individual who has entered into a hospital or hospitals for the first
5 year of post-graduate training.

6 “[10] (9) ‘License’ means permission to practice, whether by license, registration or certifica-
7 tion.

8 “[11] (10) ‘Licensee’ means an individual holding a valid license issued by the board.

9 “[12] (11) ‘Physical incapacity’ means a condition that renders an individual licensed under this
10 chapter unable to practice under that license with professional skill and safety by reason of physical
11 illness or physical deterioration that adversely affects cognition, motor or perceptive skill.

12 “[13] (12) ‘Physician’ means a person who holds a degree of Doctor of Medicine or Doctor of
13 Osteopathic Medicine, or a person who holds a degree of Doctor of Podiatric Medicine if the context
14 in which the term ‘physician’ is used does not authorize or require the person to practice outside
15 the scope of a license issued under ORS 677.805 to 677.840.

16 “[14] (13) ‘Podiatric physician and surgeon’ means a physician licensed under ORS 677.805 to
17 677.840 to practice podiatry.

18 “[15](a) (14)(a) ‘Podiatry’ means:

19 “(A) The diagnosis or the medical, physical or surgical treatment of ailments of the human foot,
20 ankle and tendons directly attached to and governing the function of the foot and ankle, and treat-
21 ment involving the use of a general or spinal anesthetic if that treatment is performed in a hospital
22 licensed under ORS 441.025 or in an ambulatory surgical center licensed by the Oregon Health Au-
23 thority and is under the supervision of or in collaboration with a podiatric physician and surgeon;

24 “(B) Assisting in the performance of surgery, as provided in ORS 677.814; and

25 “(C) The treatment of skin, skin-related structures and subcutaneous masses, and wounds in-
26 volving skin, skin-related structures and subcutaneous masses, on the human leg no further proximal
27 than the tibial tubercle.

28 “(b) ‘Podiatry’ does not include administering general or spinal anesthetics or the amputation
29 of the entire foot.

30 “[16] (15) ‘Prescribe’ means to direct, order or designate the use of or manner of using by
31 spoken or written words or other means.

32 “[17] (16) ‘Resident’ means an individual who, after the first year of post-graduate training, in
33 order to qualify for some particular specialty in the field of medicine, pursues a special line of study
34 as part of a supervised program of a hospital approved by the board.

35 “(17) **‘Traditional Eastern medicine’ means the practice of medicine, specifically**
36 **acupuncture and traditional Chinese medicine, regulated by this chapter if the medicine is**
37 **practiced within the context of a person’s license to practice acupuncture issued under ORS**
38 **677.757 to 677.770.**

39 “**SECTION 2.** ORS 677.275 is amended to read:

40 “677.275. Each administrative law judge conducting hearings on behalf of the **Oregon Medical**
41 **Board** is vested with the full authority of the board to schedule and conduct hearings on behalf and
42 in the name of the board on all matters referred by the board, including issuance of licenses, pro-
43 ceedings for placing licensees on probation and for suspension and revocation of licenses, and shall
44 cause to be prepared and furnished to the board, for decision thereon by the board, the complete
45 written transcript of the record of the hearing. This transcript shall contain all evidence introduced

1 at the hearing and all pleas, motions and objections, and all rulings of the administrative law judge.
2 Each administrative law judge may administer oaths and issue summonses, notices and subpoenas,
3 but may not place any licensee on probation or issue, refuse, suspend or revoke a license.

4 “**SECTION 3.** ORS 677.757 is amended to read:

5 “677.757. As used in ORS 677.757 to 677.770:

6 “[*(1)(a) ‘Acupuncture’ means an Oriental health care practice used to promote health and to treat*
7 *neurological, organic or functional disorders by the stimulation of specific points on the surface of the*
8 *body by the insertion of needles. ‘Acupuncture’ includes the treatment method of moxibustion, as well*
9 *as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate*
10 *acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.*]

11 “[*(b) The practice of acupuncture also includes the following modalities as authorized by the*
12 *Oregon Medical Board:*]

13 “[*(A) Traditional and modern techniques of diagnosis and evaluation;*]

14 “[*(B) Oriental massage, exercise and related therapeutic methods; and*]

15 “[*(C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice.*]

16 “**(1) ‘Acupuncture’ means:**

17 “**(a) Traditional Eastern medicine used to promote health and treat neurological, organic**
18 **or functional disorders through the insertion of needles into specific points on the body at**
19 **varying depths, including insertion into the skin, subcutaneous tissue, muscle layers and**
20 **fascia, and into or near joint spaces based on anatomical location and the practitioner’s**
21 **clinical assessment. The type of needle inserted, and the depth, angle and technique of in-**
22 **sertion, are informed by specialized training in acupuncture theory, biomedical anatomy and**
23 **diagnostic evaluation to safely stimulate biological and physiological responses and support**
24 **the body’s healing process.**

25 “**(b) The treatment method of moxibustion and the use of electrical, thermal, mechanical**
26 **or magnetic devices, with or without needles, to stimulate acupuncture points and**
27 **acupuncture meridians and to induce acupuncture anesthesia or analgesia.**

28 “**(c) The following modalities, as authorized by the Oregon Medical Board:**

29 “**(A) Traditional Eastern medicine and acupuncture techniques of diagnosis and evalu-**
30 **ation;**

31 “**(B) Traditional Eastern medicine manual therapy, exercise and related therapeutic**
32 **methods; and**

33 “**(C) The use of Traditional Eastern medicine pharmacopoeia, vitamins, minerals and**
34 **dietary advice.**

35 “**(2) [‘Oriental pharmacopoeia’] ‘Traditional Eastern medicine pharmacopoeia’ means a list**
36 **of herbs described in [traditional Oriental] Traditional Eastern medicine texts commonly used in**
37 **accredited schools of [Oriental] Traditional Eastern medicine if the texts are approved by the**
38 **Oregon Medical Board.**

39 “**SECTION 4.** ORS 677.759 is amended to read:

40 “677.759. (1) [*No person shall*] **A person may not** practice acupuncture without first obtaining
41 a license to practice medicine and surgery or a license to practice acupuncture from the Oregon
42 Medical Board except as provided in subsection (2) of this section.

43 “(2) Notwithstanding subsection (1) of this section, the board may issue a license to practice
44 acupuncture to an individual licensed to practice acupuncture in another state or territory of the
45 United States if the individual is licensed to practice medicine and surgery or acupuncture in the

1 other state or territory. The board [shall] **may** not issue such a license unless the requirements of
2 the other state or territory are similar to the requirements of this state.

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

5 “(4) Using the term ‘acupuncture,’ ‘acupuncturist,’ [*Oriental medicine*] **‘Traditional Eastern**
6 **medicine’** or any other term, title, name or abbreviation indicating that an individual is qualified
7 or licensed to practice acupuncture is prima facie evidence of practicing acupuncture.

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

11 **“SECTION 5.** ORS 677.761 is amended to read:

12 “677.761. Nothing in ORS 677.757 to 677.770 is intended to:

13 “(1) Prevent, limit or interfere with an individual licensed or certified by the Oregon Medical
14 Board from practicing health care other than acupuncture within the scope of the license or certi-
15 fication of the individual.

16 “(2) Limit any other licensed or certified health care practitioner from practicing acupressure
17 or other therapy within the scope of the license or certification of the individual.

18 “(3) Limit the activities of any person who engages in the business of providing [*Oriental mas-*
19 *sage*] **Traditional Eastern medicine manual therapy**, exercise and related therapeutic methods
20 or who provides substances listed in [*an Oriental*] **Traditional Eastern medicine** pharmacopoeia,
21 or vitamins or minerals or dietary advice, so long as the activities of the person are not otherwise
22 prohibited by law.

23 “(4) Limit the ability of practitioners from outside Oregon to demonstrate the practice of
24 acupuncture as part of a recognized and limited duration educational program, lecture or event
25 within this state under rules adopted by the board.

26 **“SECTION 6.** ORS 677.780 is amended to read:

27 “677.780. (1) There is established an Acupuncture Advisory Committee consisting of six members
28 appointed by the Oregon Medical Board. Of the committee members appointed by the board:

29 “(a) One shall be a person who is a current member of the board.

30 “(b) Two shall be physicians licensed under ORS chapter 677.

31 “(c) Three shall be acupuncturists licensed under ORS [677.759] **677.757 to 677.770**. In appointing
32 the three acupuncturists, the board may receive nominations from the [*Oregon Association of*
33 *Acupuncture and Oriental Medicine*] **Oregon Association of Acupuncturists, or its successor**
34 **organization**, and other professional acupuncture organizations.

35 “(2) The term of office of each committee member is three years, but a committee member serves
36 at the pleasure of the board. A committee member may not serve more than two consecutive terms.
37 A committee member serves until a successor is appointed and qualified. If there is a vacancy for
38 any cause, the board shall make an appointment to become immediately effective for the unexpired
39 term.

40 “(3) A committee member is entitled to compensation and expenses as provided for board mem-
41 bers in ORS 677.235.

42 “(4) A majority of the members of the committee constitutes a quorum for the transaction of
43 business.”.