

Senate Bill 844

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Oregon Health Authority)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes some laws about labs, overdose reports and terms about the environment. The Act makes a new law to keep some information secret. The Act also lets OHA have more contracts for school-based health centers and tells OHA to sign up some people for medical assistance. (Flesch Readability Score: 63.6).

Changes the date by which the Oregon Health Authority report on opioid and opiate overdoses is due to the Legislative Assembly.

Changes the definition of "hemodialysis technician."

Requires the authority to keep confidential specified information related to psilocybin licensees, license applicants and permit holders.

Defines "environmental health." Changes requirements for authorizations for certain environmental health occupations and professions.

Aligns state regulations of clinical laboratories with federal law.

Broadens the authority's ability to enter into contracts for purposes of supporting school-based health centers.

Requires the authority or the Department of Human Services to enroll an eligible individual in a correctional facility in pre-release medical assistance.

A BILL FOR AN ACT

1
2 Relating to public health; creating new provisions; amending ORS 411.447, 413.223, 413.225, 413.550,
3 413.561, 432.141, 438.010, 438.040, 438.060, 438.150, 438.160, 438.220, 438.310, 438.435, 438.450,
4 438.705, 438.990, 475A.586, 672.060, 676.177, 676.595, 676.992, 688.625, 700.010, 700.025, 700.030,
5 700.035, 700.053, 700.062, 700.220, 700.240, 813.160 and 830.535; and repealing ORS 438.030,
6 438.050, 438.055, 438.070, 438.110, 438.120, 438.130, 438.140, 438.210, 438.320, 438.420, 438.510,
7 700.050, 700.052 and 700.059.

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

OVERDOSE REPORTING

10
11
12 **SECTION 1.** ORS 432.141 is amended to read:

13 432.141. (1) From resources available to the Oregon Health Authority, the authority shall com-
14 pile statistics on the total number of opioid and opiate overdoses and the total number of opioid and
15 opiate overdose related deaths occurring in this state.

16 (2) Not less than once every three months, the authority shall report to the Governor and each
17 local health department, as defined in ORS 431.003, the statistics compiled under subsection (1) of
18 this section.

19 (3) Not later than [*September 15*] **January 15** of each year, the authority shall report to the in-
20 terim committees of the Legislative Assembly related to health care, in the manner provided by ORS
21 192.245, the statistics compiled under subsection (1) of this section **for the immediately preceding**

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 year.

2 **SECTION 2.** (1) The amendments to ORS 432.141 by section 1 of this 2025 Act first apply
3 to the report due in the year 2027.

4 (2) Notwithstanding ORS 432.141, a report is not required to be submitted on September
5 15, 2026.

6
7 **HEMODIALYSIS TECHNICIANS**

8
9 **SECTION 3.** ORS 688.625 is amended to read:

10 688.625. As used in ORS 688.625 to 688.665:

11 [(1) "*Hemodialysis technician*" means a person certified by the Oregon Health Authority under
12 ORS 688.650.]

13 (1)(a) "**Hemodialysis technician**" means a person who provides hemodialysis services as
14 that term is defined by the Oregon Health Authority by rule.

15 (b) "**Hemodialysis technician**" does not include a licensed health care provider if the
16 provision of hemodialysis services falls within the licensed health care provider's scope of
17 practice.

18 (2) "Outpatient renal dialysis facility" has the meaning given that term in ORS 442.015.

19
20 **PSILOCYBIN SERVICES**

21
22 **SECTION 4.** Sections 5 and 6 of this of this 2025 Act are added to and made a part of ORS
23 475A.210 to 475A.722.

24 **SECTION 5.** (1) Except as provided in this section, section 6 of this 2025 Act and ORS
25 475A.586, the Oregon Health Authority shall keep confidential any information obtained by
26 the authority as part of an investigation of a psilocybin training program or a licensee,
27 licensee representative, applicant for licensure, holder of a permit issued under ORS 475A.483
28 or applicant for a permit issued under ORS 475A.483, including any information contained in
29 a complaint, and any information that might reasonably lead to the identification of a
30 complainant.

31 (2) The authority may disclose the information described in subsection (1) of this section
32 to the extent necessary to conduct an investigation or as allowed under section 6 of this 2025
33 Act.

34 (3) If the authority issues a notice of intent to deny a license or permit or a notice of
35 intent to impose a disciplinary sanction, the authority:

36 (a) Shall disclose information obtained as part of an investigation of an applicant,
37 permittee, training program or licensee if the requester of the information demonstrates by
38 clear and convincing evidence that the public interest in disclosure outweighs any interests
39 in nondisclosure, including but not limited to the public interest in nondisclosure.

40 (b) May disclose to a complainant a written summary of information obtained as part of
41 an investigation of an applicant, permittee, training program or licensee resulting from the
42 complainant's complaint to the extent the authority determines necessary to explain the
43 reasons for the authority's decisions related to the complaint. The applicant, permittee,
44 training program or licensee that is the subject of the complaint may request and is entitled
45 to receive a copy of a written summary under this paragraph from which the authority shall

1 redact any information that could be reasonably used to identify the complainant.

2 (4) If the authority issues a notice of intent to deny a license or permit or a notice of
3 intent to impose a disciplinary sanction, the applicant, permittee, training program or
4 licensee that is the subject of the notice may request, and the authority shall disclose to the
5 applicant, permittee, training program or licensee all information obtained by the authority
6 in the investigation of the allegations in the notice except:

7 (a) Information that is privileged or confidential under a law other than this section;

8 (b) Information that would enable the identification of any person who provided infor-
9 mation that led to the filing of the notice and who will not provide testimony at a hearing
10 arising out of the investigation;

11 (c) Information that would enable the identification of a person as a complainant to the
12 authority about the applicant, permittee, training program or licensee; or

13 (d) Reports of expert witnesses.

14 (5) Nothing in this section is intended to prohibit the authority from making public:

15 (a) A notice of intent to deny or notice of intent to impose a disciplinary sanction against
16 an applicant, permittee, training program or licensee that the authority has issued;

17 (b) A final order that results from the authority's notice of intent to deny or notice of
18 intent to impose a disciplinary sanction;

19 (c) An emergency suspension order; or

20 (d) A consent order or stipulated agreement that involves the conduct of an applicant,
21 permittee, training program or licensee.

22 **SECTION 6.** (1) As used in this section, "public entity" means:

23 (a) A board or agency of this state;

24 (b) A board or agency of another state with regulatory or enforcement functions similar
25 to those of the Oregon Health Authority under ORS 475A.210 to 475A.722;

26 (c) A district attorney;

27 (d) The Department of Justice; or

28 (e) A law enforcement agency.

29 (2) Subject to section 5 of this 2025 Act, the Oregon Health Authority may disclose con-
30 fidential information to another public entity if the information reasonably relates to the
31 regulatory or enforcement function of that other public entity. A public entity that receives
32 information under this subsection shall take all reasonable steps to maintain the
33 confidentiality of the information, except that the public entity may use or disclose the in-
34 formation to the extent necessary to carry out the regulatory or enforcement functions of
35 the public entity.

36 (3) The authority may not disclose information described in subsection (2) of this section
37 to another public entity if the information relates to the provision of or referral for repro-
38 ductive or gender-affirming health care services.

39 **SECTION 7.** ORS 475A.586 is amended to read:

40 475A.586. [*Certain information related to licensure exempt from disclosure.*] (1) Subject to sub-
41 section (2) of this section, information is exempt from public disclosure under ORS 192.311 to 192.478
42 if the information is:

43 (a) Personally identifiable information, as defined in ORS 432.005;

44 (b) The address of a premises for which a license has been issued or for which an applicant has
45 proposed licensure under ORS 475A.290, 475A.305 or 475A.594;

1 (c) Related to the security plan or the operational plan for a premises for which a license has
 2 been issued or for which an applicant has proposed licensure under ORS 475A.290, 475A.305 or
 3 475A.594; or

4 (d) Related to any record that the Oregon Health Authority determines contains proprietary
 5 information of a licensee.

6 (2) The exemption from public disclosure as provided by this section does not apply to:

7 (a) The name of an individual listed on an application, if the individual is a direct owner of the
 8 business operating or to be operated under the license; or

9 (b) A request for information if the request is made by a law enforcement agency, **unless the**
 10 **information requested is confidential pursuant to section 5 of this 2025 Act.**

11 (3) For purposes of subsection (2)(a) of this section, an individual is not a direct owner of the
 12 business operating or to be operated under the license if:

13 (a) The direct owner of the business operating or to be operated under the license is a legal
 14 entity; and

15 (b) The individual is merely a general partner, limited partner, member, shareholder, or other
 16 direct or indirect owner of the legal entity.

17 **SECTION 8.** ORS 676.177 is amended to read:

18 676.177. (1) For purposes of this section, “public entity” means:

19 (a) **A board or agency of this state, or a board or agency of another state with regulatory**
 20 **or enforcement functions similar to the functions of a health professional regulatory board**
 21 **of this state;**

22 (b) **A district attorney;**

23 (c) **The Department of Justice;**

24 (d) **A state or local public body of this state that licenses, franchises or provides emer-**
 25 **gency medical services; or**

26 (e) **A law enforcement agency of this state, another state or the federal government.**

27 [(1)] (2) Notwithstanding any other provision of ORS 676.165 to 676.180 and except as provided
 28 in subsection (5) of this section, a health professional regulatory board, upon a determination by the
 29 board that it possesses otherwise confidential information that reasonably relates to the regulatory
 30 or enforcement function of another public entity, may disclose that information to the other public
 31 entity.

32 [(2)] (3) Any public entity that receives information pursuant to subsection [(1)] (2) of this sec-
 33 tion shall agree to take all reasonable steps to maintain the confidentiality of the information, ex-
 34 cept that the public entity may use or disclose the information to the extent necessary to carry out
 35 the regulatory or enforcement functions of the public entity.

36 [(3) For purposes of this section, “public entity” means:]

37 [(a) A board or agency of this state, or a board or agency of another state with regulatory or
 38 enforcement functions similar to the functions of a health professional regulatory board of this state;]

39 [(b) A district attorney;]

40 [(c) The Department of Justice;]

41 [(d) A state or local public body of this state that licenses, franchises or provides emergency med-
 42 ical services; or]

43 [(e) A law enforcement agency of this state, another state or the federal government.]

44 (4) Notwithstanding subsections [(1) to] (2) and (3) of this section, the Oregon Board of Physical
 45 Therapy may disclose information described in subsection [(1)] (2) of this section to the Physical

1 Therapy Compact Commission established in ORS 688.240.

2 (5) A health professional regulatory board may not disclose the information described in sub-
 3 section [(1)] (2) of this section to another public entity if the information relates to the provision
 4 of or referral for reproductive or gender-affirming health care services.

5 **(6) A health professional regulatory board may disclose to the Oregon Health Authority**
 6 **information described in subsection (2) of this section. The authority shall take all reasonable**
 7 **steps to maintain the confidentiality of any information received under this subsection, ex-**
 8 **cept that the authority may use the information to the extent necessary to carry out its**
 9 **regulatory or enforcement functions under ORS 475A.210 to 475A.722.**

10 **SECTION 9. Sections 5 and 6 of this 2025 Act and the amendments to ORS 475A.586 and**
 11 **676.177 by sections 7 and 8 of this 2025 Act apply to information obtained by the Oregon**
 12 **Health Authority or health professional regulatory board on or after the effective date of this**
 13 **2025 Act.**

14
 15 **ENVIRONMENTAL HEALTH REGISTRATION BOARD**

16
 17 **SECTION 10.** ORS 700.010 is amended to read:

18 700.010. As used in this chapter, unless the context requires otherwise:

19 (1) “Board” means the Environmental Health Registration Board, established within the Health
 20 Licensing Office.

21 (2) “Certified professional soil scientist” means a person registered in good standing with the
 22 American Registry of Certified Professionals in Agronomy, Crops and Soils.

23 **(3) “Environmental health” means the art and science of applying sanitary, biological and**
 24 **physical science principles and knowledge to improve and control the environment and fac-**
 25 **tors therein for the protection of the health and welfare of the public.**

26 [(3)] (4) “Environmental health specialist” means a person who by education, training and ex-
 27 perience in the sanitary, biological and physical sciences is qualified to perform duties in environ-
 28 mental [sanitation] **health**, including but not limited to scientific investigation and education and
 29 counseling in environmental [sanitation] **health**.

30 [(4)] (5) “Environmental health specialist trainee” means a person who lacks the combination
 31 of training, education and experience required for a registered environmental health specialist, but
 32 who is engaged in meeting the requirements.

33 [(5) “Environmental sanitation” means the art and science of applying sanitary, biological and
 34 physical science principles and knowledge to improve and control the environment and factors therein
 35 for the protection of the health and welfare of the public.]

36 (6) “Registrant” means any person registered with the office under this chapter.

37 (7) “Registration” means written authorization issued under ORS 700.030 or 700.053 for the
 38 holder to perform duties in the fields of environmental [sanitation] **health** or waste water sanitation.

39 [(8) “Science courses relating to environmental sanitation” include courses in public or community
 40 health or in sanitary, biological or physical sciences.]

41 [(9)] (8) “Trainee registration” means written authorization issued under ORS 700.035 or 700.062
 42 for the holder to perform duties as an environmental health specialist trainee or as a waste water
 43 specialist trainee.

44 [(10)] (9) “Waste water specialist” means a person who by education, training and experience
 45 in the sanitary, biological and physical sciences is qualified to perform duties in the field of waste

1 water treatment, disposal and reuse where soil is used in the final stage of the treatment process.

2 [(11)] (10) "Waste water specialist trainee" means a person who lacks the combination of training,
 3 ing, education and experience required for a registered waste water specialist, but who is engaged
 4 in the process of meeting the requirements.

5 **SECTION 11.** ORS 700.025 is amended to read:

6 700.025. The provisions of ORS 700.020 (2) do not apply to:

7 (1) Any person teaching, lecturing or engaging in research in environmental [*sanitation*] **health**
 8 but only in so far as such activities are performed as part of an academic position in a college or
 9 university.

10 (2) Any person who is a sanitary engineer, public health engineer or registered professional
 11 engineer.

12 (3) Any public health officer employed pursuant to ORS 431.001 to 431.550, 431.705 to 431.760,
 13 431.990 and 431A.005 to 431A.020.

14 (4) Any person employed by a federal governmental agency but only at such times as the person
 15 is carrying out the functions of employment.

16 (5) Any person who holds a doctorate in veterinary medicine.

17 (6) The performances of such duties as meat inspection, produce inspection, bee inspection, grain
 18 warehouse inspection, landscaping, gardening, plumbing, septic tank or cesspool installation or insect
 19 and rodent poison application.

20 (7) Any employee of the Department of Environmental Quality other than an on-site waste water
 21 disposal employee.

22 (8) Any person employed by a local government, or its agents, while employed in a job that did
 23 not require registration under ORS 700.020 as of October 4, 1997.

24 **SECTION 12.** ORS 700.030 is amended to read:

25 700.030. [(1) *Subject to ORS 676.612, upon application accompanied by payment of the applicable*
 26 *fees established under ORS 676.576, the Health Licensing Office shall issue a registration to any ap-*
 27 *PLICANT who:*]

28 [(a) *Performs to the satisfaction of the Environmental Health Registration Board on an examina-*
 29 *tion approved by the board; and]*

30 [(b) *Furnishes evidence satisfactory to the office that the applicant:*]

31 (1) **The Health Licensing Office may issue a registration to practice environmental health**
 32 **to an applicant who submits an application and pays the applicable fees established under**
 33 **ORS 676.576. The applicant must also:**

34 (a) **Pass an examination approved by the Environmental Health Registration Board by**
 35 **rule; and**

36 (b) **Submit proof that the applicant:**

37 (A) Has a bachelor's degree from an accredited college or university, 45 quarter hours or the
 38 equivalent semester hours in science courses [*related to environmental sanitation*] and two years of
 39 experience in environmental [*sanitation*] **health** under the supervision of a registered environmental
 40 health specialist **or a person possessing equal qualifications as determined by the board;**

41 (B) Has a graduate degree in public or community health **or another environmental health**
 42 **field** from an accredited college or university and one year of experience in environmental [*sanita-*
 43 *tion*] **health** under the supervision of a registered environmental health specialist **or a person**
 44 **possessing equal qualifications as determined by the board; or**

45 [(C) *Possesses qualifications equivalent to those described in subparagraph (A) or (B) of this par-*

1 *agraph, as determined by the board by rule.]*

2 *[(2) For the purpose of meeting the qualifications set forth in subsection (1)(b)(A) of this section,*
 3 *accumulated schooling relevant to environmental sanitation gained while serving in the United States*
 4 *Public Health Service or a branch of the Armed Forces of the United States may be credited toward*
 5 *the educational requirement as evaluated by the current edition of the "Guide to Evaluation of Educa-*
 6 *tional Experiences in the Armed Services" by the American Council on Education.]*

7 *[(3) The office, in consultation with the board, shall establish by rule requirements for registration*
 8 *as an environmental health specialist when an individual's date of employment precedes attainment of*
 9 *registration.]*

10 **(C) Has an active credential as a registered environmental health specialist or a regis-**
 11 **tered sanitarian by a national association that is recognized by the board.**

12 **(2) For the purpose of meeting the education and experience requirements listed in sub-**
 13 **section (1)(b) of this section, accumulated schooling relevant to environmental health gained**
 14 **while serving in the United States Public Health Service or a branch of the Armed Forces**
 15 **of the United States may be credited toward an applicant's educational requirements. The**
 16 **board may use any system it considers reliable in assigning credit for relevant schooling**
 17 **under this subsection, including but not limited to assigning credit in conformance with the**
 18 **American Council on Education Military Guide.**

19 **(3) The office may require an applicant to meet additional requirements by rule to obtain**
 20 **an environmental health specialist registration.**

21 **SECTION 13.** ORS 700.035 is amended to read:

22 700.035. *[(1) Subject to ORS 676.612, upon application and payment of the applicable fees estab-*
 23 *lished under ORS 676.576, the Health Licensing Office shall issue an environmental health specialist*
 24 *trainee registration to any applicant who performs to the satisfaction of the Environmental Health*
 25 *Registration Board on an examination approved by the board and furnishes evidence satisfactory to the*
 26 *office that the applicant:]*

27 **(1) The Health Licensing Office may issue an environmental health specialist trainee**
 28 **registration to an applicant who submits an application and pays the applicable fees estab-**
 29 **lished under ORS 676.576. An applicant must also:**

30 (a) *[Has] Have* a bachelor's degree and at least 45 quarter hours, or the equivalent semester
 31 hours, in science courses *[relating to environmental sanitation]* from an accredited college or uni-
 32 versity; or

33 (b) *[Has] Have* at least 15 quarter hours, or the equivalent semester hours, in science courses
 34 *[relating to environmental sanitation]* from an accredited college or university and *[has] have* at least
 35 five years of experience in environmental *[sanitation] health* or related activities, as determined by
 36 the **Environmental Health Registration** Board, under the supervision of a registered environ-
 37 mental health specialist or a person possessing equal qualifications, as determined by the board.

38 *[(2) A person may not be registered as an environmental health specialist trainee for more than two*
 39 *years' full-time employment in the environmental sanitation profession, or the equivalent hours if em-*
 40 *ployment in environmental sanitation is less than full-time or 40 hours per week.]*

41 *[(3) The office, in consultation with the board, shall establish by rule requirements for registration*
 42 *as an environmental health specialist trainee when an individual's date of employment precedes at-*
 43 *tainment of registration.]*

44 **(2) The board may enact rules to require an examination of applicants for registration**
 45 **as an environmental health specialist trainee.**

1 [(4)] (3) An environmental health specialist trainee shall be supervised by a registered environ-
2 mental health specialist or a person possessing equal qualifications as determined by the board.

3 (4) **For the purpose of meeting the education and experience requirements listed in sub-**
4 **section (1) of this section, accumulated schooling relevant to environmental health gained**
5 **while serving in the United States Public Health Service or a branch of the Armed Forces**
6 **of the United States may be credited toward an applicant's educational requirements. The**
7 **board may use any system it considers reliable in assigning credit for relevant schooling**
8 **under this subsection, including but not limited to assigning credit in conformance with the**
9 **American Council on Education Military Guide.**

10 **SECTION 14.** ORS 700.053 is amended to read:

11 700.053. [(1) *An applicant for registration as a waste water specialist shall submit an application*
12 *to the Health Licensing Office in the manner required by the Environmental Health Registration board.*
13 *The application shall be on a form approved by the office, include proof satisfactory to the board that*
14 *the applicant meets the education and experience requirements under subsection (3) of this section and*
15 *include payment of the applicable fees established under ORS 676.576.]*

16 [(2) *The office shall issue a registration as a waste water specialist to an applicant whose appli-*
17 *cation complies with subsection (1) of this section and who successfully completes the examination re-*
18 *quired under subsection (5) of this section and passes the examination required under subsection (6)*
19 *of this section.]*

20 [(3) *An applicant for registration as a waste water specialist is required to have:]*

21 (1) **The Health Licensing Office may issue a waste water specialist registration to an**
22 **applicant who submits an application and pays the applicable fees established under ORS**
23 **676.576. An applicant must also:**

24 (a) **Pass an examination approved by the Environmental Health Registration Board by**
25 **rule; and**

26 (b) **Submit proof that the applicant:**

27 [(a)] (A) **Has** a bachelor's degree from an accredited college or university, including at least 45
28 quarter hours or the equivalent in soil science courses and two years of experience in waste water
29 treatment, disposal and reuse within this state supervised by a registered waste water specialist or
30 by an equally qualified person as determined by the board;

31 [(b)] (B) **Has** a graduate degree in soil science from an accredited college or university and one
32 year of experience in waste water treatment, disposal and reuse within this state supervised by a
33 registered waste water specialist or by an equally qualified person as determined by the board; or

34 [(c)] (C) **Has** a graduate degree in soil science from an accredited college or university and
35 [to] **is** currently [be] certified as a professional soil scientist.

36 [(4) *Soil science schooling obtained while serving in the United States Public Health Service or a*
37 *branch of the Armed Services of the United States may be credited toward the soil science course re-*
38 *quirement under subsection (3)(a) of this section. The board may use any system it considers reliable*
39 *in assigning credit for relevant schooling under this subsection, including but not limited to assigning*
40 *credit in conformance with the "Guide to Evaluation of Educational Experience in the Armed*
41 *Services" published by the American Council on Education.]*

42 [(5) *The board may, at its discretion, conduct an examination of candidates for registration as*
43 *waste water specialists. The examination may be on any matter pertaining to the fitness of the applicant*
44 *to be registered as a waste water specialist, but may not duplicate matters covered on the examination*
45 *required under subsection (6) of this section.]*

1 [(6) Every applicant for registration as a waste water specialist shall be given a written or practical
2 examination prepared by the board and designed to test the technical competence of the applicant in
3 all major areas of waste water sanitation.]

4 **(2) For the purpose of meeting the education requirements listed in subsection (1) of this**
5 **section, accumulated schooling relevant to soil science gained while serving in the United**
6 **States Public Health Service or a branch of the Armed Forces of the United States may be**
7 **credited toward an applicant's educational requirements. The board may use any system it**
8 **considers reliable in assigning credit for relevant schooling under this subsection, including**
9 **but not limited to assigning credit in conformance with the American Council on Education**
10 **Military Guide.**

11 **SECTION 15.** ORS 700.062 is amended to read:

12 700.062. [(1) Subject to ORS 676.612, upon application and payment of the applicable fees estab-
13 lished under ORS 676.576, the Health Licensing Office shall issue registration as a waste water spe-
14 cialist trainee to any applicant who furnishes evidence satisfactory to the office that the applicant:]

15 **(1) The Health Licensing Office may issue a waste water specialist trainee registration**
16 **to an applicant who submits an application and pays the applicable fees established under**
17 **ORS 676.576. An applicant must also:**

18 (a) [Has] **Have** a bachelor's degree from an accredited college or university, including at least
19 45 quarter hours or the equivalent in soil science courses; or

20 (b) [Has] **Have** a graduate degree in soil science from an accredited college or university.

21 [(2) Soil science schooling obtained while serving in the United States Public Health Service or a
22 branch of the Armed Services of the United States may be credited toward the soil science course re-
23 quirement under this section. The Environmental Health Registration Board may use any system it
24 considers reliable in assigning credit for relevant schooling under this subsection, including but not
25 limited to assigning credit in conformance with the "Guide to Evaluation of Educational Experience in
26 the Armed Services" published by the American Council on Education.]

27 **(2) For the purpose of meeting the education requirements listed in subsection (1) of this**
28 **section, accumulated schooling relevant to soil science gained while serving in the United**
29 **States Public Health Service or a branch of the Armed Forces of the United States may be**
30 **credited toward an applicant's educational requirements. The Environmental Health Regis-**
31 **tration Board may use any system it considers reliable in assigning credit for relevant**
32 **schooling under this subsection, including but not limited to assigning credit in conformance**
33 **with the American Council on Education Military Guide.**

34 **SECTION 16.** ORS 700.220 is amended to read:

35 700.220. (1) The members of the Environmental Health Registration Board appointed by the
36 Governor shall be appointed from among the residents of this state and shall have the following
37 qualifications and terms of office:

38 (a) One shall be a physician licensed to practice medicine or surgery by the Oregon Medical
39 Board who has an emphasis in public health.

40 (b) Four shall be persons registered under this chapter who have at least four years of experi-
41 ence in environmental [sanitation] **health.**

42 [(c) One shall be a representative of the food or food and alcoholic beverage retail industry.]

43 [(d) One shall be a public member.]

44 **(c) Two must be members of the public who do not possess the same professional quali-**
45 **fications of the other members.**

1 (2) The term of office of each member of the Environmental Health Registration Board is four
 2 years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Gov-
 3 ernor by appointment for the unexpired term. A member shall hold the member's office until the
 4 appointment and qualification of a successor. A member is eligible for reappointment. If a person
 5 serves two consecutive full terms, a period of at least four years must elapse before the person is
 6 again eligible for appointment to serve on the board.

7 (3) The members of the board are entitled to compensation and expenses as provided in ORS
 8 292.495, to be paid from the Environmental Health Registration Account.

9 **SECTION 17.** ORS 700.240 is amended to read:

10 700.240. [(1) *The Health Licensing Office, in consultation with the Environmental Health Registra-*
 11 *tion Board, has such authority as is reasonably necessary to administer this chapter, including the*
 12 *authority to adopt rules pursuant to ORS chapter 183.*]

13 [(2) *The office has authority to administer oaths and subpoena witnesses.*]

14 [(3) *The office shall keep a record of all proceedings of the office, including a register of all reg-*
 15 *istrants. These records shall at reasonable times be open to the public.*]

16 [(4) *When the office is satisfied that an applicant for registration under this chapter has complied*
 17 *with all of the requirements thereof, it shall have issued to such applicant an appropriate certificate*
 18 *evidencing registration.*]

19 **(1) The Health Licensing Office may:**

20 **(a) Determine the qualifications, training, education and fitness of applicants for regis-**
 21 **tration, renewal of registrations and reciprocal registrations;**

22 **(b) Adopt rules that are necessary to conduct its business related to carrying out its**
 23 **duties under and in administering this chapter;**

24 **(c) Examine, approve, issue, deny, revoke, suspend and renew registrations to practice**
 25 **environmental health or waste water sanitation under this chapter;**

26 **(d) Provide for waivers of examinations and credentials;**

27 **(e) Provide requirements for temporary registrations as considered appropriate;**

28 **(f) Establish standards for applicants with experience that precedes the date of applica-**
 29 **tion; and**

30 **(g) Limit the number of renewals for environmental health specialist trainees and waste**
 31 **water specialist trainees.**

32 **(2) The Environmental Health Registration Board may:**

33 **(a) Approve examinations for registrations by rule;**

34 **(b) Establish standards of practice and professional responsibility for persons registered**
 35 **by the office;**

36 **(c) Adopt rules that are necessary to carry out this chapter; and**

37 **(d) Establish supervision requirements for environmental health specialist trainees and**
 38 **waste water specialist trainees.**

39 **SECTION 18.** ORS 672.060 is amended to read:

40 672.060. Registration under ORS 672.002 to 672.325 is not required for the following:

41 (1) The performance of work as an employee or a subordinate of a registered professional engi-
 42 neer if:

43 (a) The work does not include final engineering designs or decisions;

44 (b) The work is done under the supervision and control of and is verified by a registered pro-
 45 fessional engineer; and

1 (c) The employee or subordinate does not by verbal claim, sign, advertisement, letterhead or
2 card or in any other way imply that the employee or subordinate is or purports to be a professional
3 engineer or registered professional engineer.

4 (2) The performance of engineering work by an employee, sole proprietorship, firm, partnership
5 or corporation:

6 (a) On property owned or leased by the employer, sole proprietorship, firm, partnership or cor-
7 poration, or on property in which the employer, sole proprietorship, firm, partnership or corporation
8 has an interest, estate or possessory right; and

9 (b) That affects exclusively the property or interests of the employer, sole proprietorship, firm,
10 partnership or corporation, unless the performance affects the health or safety of the public or an
11 employee.

12 (3) The performance of engineering work by a person, or by full-time employees of the person,
13 if:

14 (a) The engineering work is in connection with or incidental to the operations of the person;
15 and

16 (b) The engineering work is not offered directly to the public.

17 (4) An offer by an employee, sole proprietorship, firm, partnership or corporation to perform
18 engineering work if:

19 (a) The employer, sole proprietorship, firm, partnership or corporation holds a certificate of
20 registration to engage in the practice of professional engineering issued by the proper authority of
21 any other state, a territory or possession of the United States or a foreign country; and

22 (b) The offer includes a written statement that the offeror is not registered to practice engi-
23 neering in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an individual
24 holding a valid certificate of registration in this state in responsible charge of the work prior to
25 performing any engineering work within this state.

26 (5) The offering by a construction contractor licensed under ORS chapter 701 of services con-
27 stituting the performance of engineering work if:

28 (a) The services are appurtenant to construction services to be provided by the construction
29 contractor;

30 (b) The services constituting the practice of engineering are performed by an engineer or engi-
31 neers registered under ORS 672.002 to 672.325; and

32 (c) The offer by the construction contractor discloses in writing that the contractor is not an
33 engineer and identifies the engineer or engineers that will perform the services constituting the
34 practice of engineering.

35 (6) The execution of engineering work designed by a professional engineer or the supervision
36 of the construction of engineering work as a foreman or superintendent.

37 (7) The making of drawings or specifications for, or the supervision of the erection, enlargement
38 or alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
39 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
40 the highest interior overhead finish of the structure. The exemption in this subsection does not apply
41 to a registered professional engineer.

42 (8) The making of drawings or specifications for, or the supervision of the erection, enlargement
43 or alteration of, a building, or an appurtenance thereto, if the building is to be used for a single
44 family residential dwelling or farm building or is a structure used in connection with or auxiliary
45 to a single family residential dwelling or farm building, including but not limited to a three-car ga-

1 rage, barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption
2 in this subsection does not apply to a registered professional engineer.

3 (9) The performance of work as a registered architect practicing architecture.

4 (10) The performance of work as a registered environmental health specialist or registered en-
5 vironmental health specialist trainee working under the supervision of a registered environmental
6 health specialist practicing environmental *[sanitation]* **health**, or a registered waste water specialist
7 or registered waste water specialist trainee working under the supervision of a registered waste
8 water specialist practicing waste water sanitation.

9 (11) The performance of land surveying work under the supervision of a registered professional
10 land surveyor or registered professional engineer. The exemption in this subsection does not allow
11 an engineer to supervise a land surveying activity the engineer could not personally perform under
12 ORS 672.025.

13 (12) The performance of land surveying by a person:

14 (a) On property owned or leased by the person, or on property in which the person has an in-
15 terest, estate or possessory right; and

16 (b) That affects exclusively the property or interests of the person, unless the performance af-
17 fects the health or safety of the public or an employee.

18 (13) The performance of land surveying work by a landowner within the boundaries of the
19 landowner's land or by the landowner's regular employee as part of the employee's official duties
20 within the boundaries of the land of the employer.

21 (14) An offer by a person to perform land surveying if:

22 (a) The person holds a certificate of registration to engage in the practice of land surveying is-
23 sued by the proper authority of any other state, a territory or possession of the United States or a
24 foreign country; and

25 (b) The offer includes a written statement that the offeror is not registered to practice land
26 surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an indi-
27 vidual holding a valid certificate of registration in this state in responsible charge of the work prior
28 to performing any land surveying work within this state.

29 (15) An offer by a person to perform photogrammetric mapping if:

30 (a) The person holds a certificate of registration to engage in the practice of professional pho-
31 togrammetric mapping issued by the proper authority of any other state, a territory or possession
32 of the United States or a foreign country; and

33 (b) The offer includes a written statement that the offeror is not registered to practice pho-
34 togrammetric mapping in the State of Oregon, but will comply with ORS 672.002 to 672.325 by hav-
35 ing an individual holding a valid certificate of registration in this state in responsible charge of the
36 work prior to performing any photogrammetric mapping work within this state.

37 (16) The transcription of existing georeferenced data into a Geographic Information System or
38 Land Information System format by manual or electronic means, and the maintenance of that data,
39 if the data are clearly not intended to indicate the authoritative location of property boundaries, the
40 precise shape or contour of the earth or the precise location of fixed works of humans.

41 (17) Activities under ORS 306.125 or 308.245. This exemption applies to the transcription of tax
42 maps, zoning maps and other public data records into Geographic Information System or Land In-
43 formation System formatted cadastre and the maintenance of those cadastre, if:

44 (a) The data are not modified for other than graphical purposes; and

45 (b) The data are clearly not intended to authoritatively represent property boundaries.

1 (18) The preparation of maps or the compilation of databases depicting the distribution of na-
 2 tural or cultural resources, features or phenomena, if the maps or data are not intended to indicate
 3 the authoritative location of property boundaries, the precise shape or contour of the earth or the
 4 precise location of fixed works by humans.

5 (19) The preparation by a federal agency or its contractors of military maps, quadrangle
 6 topographic maps, satellite imagery or other maps or images that do not define real property
 7 boundaries.

8 (20) The preparation or transcription by a federal agency or its contractors of documents or
 9 databases into a Geographical Information System or Land Information System format, including but
 10 not limited to the preparation or transcription of federal census and other demographic data.

11 (21) The preparation by a law enforcement agency or its contractors of documents or maps for
 12 traffic accidents, crime scenes or similar purposes depicting physical features or events or generat-
 13 ing or using georeferenced data involving crime statistics or criminal activities.

14 (22) Activities of a peace officer, as defined in ORS 161.015, or a fire service professional, as
 15 defined in ORS 181A.355, in conducting, reporting on or testifying about or otherwise performing
 16 duties regarding an official investigation.

17 (23) The creation of general maps prepared for private firms or governmental agencies:

18 (a) For use as guides to motorists, boaters, aviators or pedestrians;

19 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

20 (c) For use in the curriculum of any course of study;

21 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
 22 ographic location of any event; or

23 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
 24 as advertising material or user guides.

25 **SECTION 19.** ORS 676.595 is amended to read:

26 676.595. (1) As used in this section, "board" means the:

27 (a) Sexual Offense Treatment Board established under ORS 675.395.

28 (b) Behavior Analysis Regulatory Board created under ORS 676.806.

29 (c) Long Term Care Administrators Board established under ORS 678.800.

30 (d) State Board of Denture Technology established under ORS 680.556.

31 (e) State Board of Direct Entry Midwifery established under ORS 687.470.

32 (f) Board of Athletic Trainers established under ORS 688.705.

33 (g) Respiratory Therapist and Polysomnographic Technologist Licensing Board established under
 34 ORS 688.820.

35 (h) Board of Licensed Dietitians established under ORS 691.485.

36 (i) Environmental Health Registration Board established under ORS 700.210.

37 (2) Except to the extent that disclosure is necessary to conduct a full and proper investigation,
 38 the Health Licensing Office may not disclose information, including complaints and information
 39 identifying complainants, obtained by the office as part of an investigation conducted under:

40 (a) ORS 675.365 to 675.410, 676.802 to 676.830, 678.710 to 678.820, 680.500 to 680.565, 687.405 to
 41 687.495, 688.701 to 688.734, 688.800 to 688.840 or 691.405 to 691.485 or ORS chapter 700.

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

43 (A) Sexual abuse specific treatment under ORS 675.365 to 675.410;

44 (B) Applied behavior analysis under ORS 676.802 to 676.830;

45 (C) Nursing home administration and residential care facility administration under ORS 678.710

1 to 678.820;

2 (D) The practice of denture technology under ORS 680.500 to 680.565;

3 (E) Direct entry midwifery under ORS 687.405 to 687.495;

4 (F) Athletic training under ORS 688.701 to 688.734;

5 (G) Respiratory care and polysomnography under ORS 688.800 to 688.840;

6 (H) Dietetics under ORS 691.405 to 691.485; or

7 (I) Environmental **health** or waste water sanitation under ORS chapter 700.

8 (3) Notwithstanding subsection (2) of this section, if the office or board decides not to impose
9 a disciplinary sanction after conducting an investigation described in subsection (2) of this section:

10 (a) The office shall disclose information obtained as part of the investigation if the person re-
11 questing the information demonstrates by clear and convincing evidence that the public interest in
12 disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

13 (b) The office may disclose to a complainant who made a complaint related to the investigation
14 a written summary of information obtained as part of the investigation to the extent that disclosure
15 is necessary to explain the office's or board's decision. The person who is the subject of the inves-
16 tigation may review and obtain a copy of a written summary disclosed under this paragraph after
17 the office has redacted any information identifying the complainant.

18 (4) Notwithstanding subsection (2) of this section, if a decision is made to impose a disciplinary
19 sanction and to issue a notice of intent to impose a disciplinary sanction after conducting an in-
20 vestigation described in subsection (2) of this section, upon written request by the person who is the
21 subject of the investigation, the office shall disclose to the person all information obtained by the
22 office or board during the investigation, except that the office may not disclose:

23 (a) Information that is otherwise privileged or confidential under state or federal law.

24 (b) Information identifying a person who provided information that led to the investigation, un-
25 less the person will provide testimony at a hearing arising out of the investigation.

26 (c) Information identifying a complainant.

27 (d) Reports of expert witnesses.

28 (5) Information disclosed to a person under subsection (4) of this section may be further dis-
29 closed by the person only to the extent that disclosure is necessary to prepare for a hearing arising
30 out of the investigation.

31 (6) The office shall disclose:

32 (a) Any notice related to the imposition of a disciplinary sanction.

33 (b) A final order related to the imposition of a disciplinary sanction.

34 (c) An emergency suspension order.

35 (d) A consent order or stipulated agreement that involves the conduct of a person against whom
36 discipline is sought.

37 (e) Information to further an investigation into board conduct under ORS 192.685.

38 (7) The office or board must summarize the factual basis for the office's or board's disposition
39 of:

40 (a) A final order related to the imposition of a disciplinary sanction;

41 (b) An emergency suspension order; or

42 (c) A consent order or stipulated agreement that involves the conduct of a person against whom
43 discipline is sought.

44 (8)(a) An office or board record or order, or any part of an office or board record or order, that
45 is obtained during an investigation described in subsection (2) of this section, during a contested

1 case proceeding or as a result of entering into a consent order or stipulated agreement is not ad-
2 missible as evidence and may not preclude an issue or claim in a civil proceeding.

3 (b) This subsection does not apply to a proceeding between the office or board and a person
4 against whom discipline is sought as otherwise authorized by law.

5 (9)(a) Notwithstanding subsection (2) of this section, the office is not publicly disclosing infor-
6 mation when the office permits other public officials and members of the press to attend executive
7 sessions where information obtained as part of an investigation is discussed. Public officials and
8 members of the press attending such executive sessions may not disclose information obtained as
9 part of an investigation to any other member of the public.

10 (b) For purposes of this subsection, "public official" means a member, member-elect or employee
11 of a public entity as defined in ORS 676.177.

12 (10) The office may establish fees reasonably calculated to reimburse the actual cost of disclos-
13 ing information to a person against whom discipline is sought as required by subsection (4) of this
14 section.

15 **SECTION 20.** ORS 676.992 is amended to read:

16 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
17 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to
18 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following
19 statutes:

- 20 (a) ORS 688.701 to 688.734 (athletic training);
- 21 (b) ORS 690.005 to 690.225 (cosmetology);
- 22 (c) ORS 680.500 to 680.565 (denture technology);
- 23 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- 24 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
25 planting and scarification);
- 26 (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- 27 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- 28 (h) ORS chapter 700 (environmental [*sanitation*] **health**);
- 29 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- 30 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-
31 trators);
- 32 (k) ORS 691.405 to 691.485 (dietitians);
- 33 (L) ORS 676.612 (prohibited acts);
- 34 (m) ORS 676.802 to 676.830 (applied behavior analysis);
- 35 (n) ORS 681.700 to 681.730 (music therapy);
- 36 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- 37 (p) ORS 681.740 to 681.758 (art therapy);
- 38 (q) ORS 676.665 to 676.689 (lactation consultation);
- 39 (r) ORS 676.730 to 676.748 (genetic counseling); and
- 40 (s) ORS 676.750 to 676.789 (signed language interpretation).

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

45 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a

1 violation of ORS 694.042.

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

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

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

5 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
6 lation; and

7 (d) Any other aggravating or mitigating factors.

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

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

13 **SECTION 21. ORS 700.050, 700.052 and 700.059 are repealed.**

14 **SECTION 22. The repeal of ORS 700.050, 700.052 and 700.059 by section 21 of this 2025 Act**
15 **applies to individuals who submit an application to practice as an environmental health spe-**
16 **cialist or waste water specialist on or after the effective date of this 2025 Act.**

17 **SECTION 23. The amendments to ORS 700.220 by section 16 of this 2025 Act apply to**
18 **members of the Environmental Health Registration Board appointed on or after the effective**
19 **date of this 2025 Act.**

20
21 **CLINICAL LABORATORIES**

22
23 **SECTION 24.** ORS 438.010, as amended by section 89, chapter 73, Oregon Laws 2024, is
24 amended to read:

25 438.010. As used in ORS 438.010 to 438.510, unless the context requires otherwise:

26 (1) “Authority” means the Oregon Health Authority.

27 (2) **“Certificate” means a certificate issued by the authority to a clinical laboratory in**
28 **accordance with the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42**
29 **U.S.C. 201 and 263a).**

30 [(2)] (3) “Clinical laboratory” or “laboratory” means a facility where the microbiological,
31 serological, chemical, hematological, immunohematological, immunological, toxicological,
32 cytogenetical, exfoliative cytological, histological, pathological or other examinations are performed
33 on materials derived from the human body, for the purpose of diagnosis, prevention of disease or
34 treatment of patients by physicians, dentists and other persons who are authorized by license to
35 diagnose or treat humans.

36 [(3)] “Clinical laboratory specialty” or “laboratory specialty” means the examination of materials
37 derived from the human body for the purpose of diagnosis and treatment of patients or assessment of
38 health, employing one of the following sciences: Serology, microbiology, chemistry, hematology,
39 immunohematology, immunology, toxicology, cytogenetics, exfoliative cytology, histology or pathology.]

40 [(4)] “Clinician” means a nurse practitioner licensed by the Oregon State Board of Nursing, or a
41 physician associate licensed by the Oregon Medical Board.]

42 [(5)] (4) “Custody chain” means the handling of specimens in a way that supports legal testimony
43 to prove that the sample integrity and identification of the sample have not been violated, as well
44 as the documentation describing those procedures from specimen collection to the final report.

45 [(6)] (5) “Dentist” means a person licensed to practice dentistry by the Oregon Board of

1 Dentistry.

2 [(7) “Director of clinical laboratory” or “director” means the person who plans, organizes, directs
3 and participates in any or all of the technical operations of a clinical laboratory, including but not
4 limited to reviewing laboratory procedures and their results, training and supervising laboratory per-
5 sonnel, and evaluating the technical competency of such personnel.]

6 [(8)] (6) “Health screen testing” means tests performed for the purpose of identifying health
7 risks, providing health information and referring the person being tested to medical care.

8 [(9) “High complexity laboratory” means a facility that performs testing classified as highly com-
9 plex in the specialties of microbiology, chemistry, hematology, diagnostic immunology,
10 immunohematology, clinical cytogenetics, cytology, histopathology, oral pathology, pathology,
11 radiobioassay and histocompatibility and that may also perform moderate complexity tests and waived
12 tests.]

13 [(10) “High complexity test” means a procedure performed on materials derived from the human
14 body that meet the criteria for this category of testing in the specialties of microbiology, chemistry,
15 hematology, immunohematology, diagnostic immunology, clinical cytogenetics, cytology, histopathology,
16 oral pathology, pathology, radiobioassay and histocompatibility as established by the authority.]

17 [(11) “Laboratory evaluation system” means a system of testing clinical laboratory methods, proce-
18 dures and proficiency by periodic performance and reporting on test specimens submitted for examina-
19 tion.]

20 [(12) “Moderate complexity laboratory” means a facility that performs testing classified as moder-
21 ately complex in the specialties of microbiology, hematology, chemistry, immunohematology or diag-
22 nostic immunology and may also perform any waived test.]

23 [(13) “Moderate complexity test” means a procedure performed on materials derived from the hu-
24 man body that meet the criteria for this category of testing in the specialties of microbiology,
25 hematology, chemistry, immunohematology or diagnostic immunology as established by the authority.]

26 [(14)] (7) “Operator of a substances of abuse on-site screening facility” or “operator” means the
27 person who plans, organizes, directs and participates in any or all of the technical and administra-
28 tive operations of a substances of abuse on-site screening facility.

29 [(15) “Owner of a clinical laboratory” means the person who owns the clinical laboratory, or a
30 county or municipality operating a clinical laboratory or the owner of any institution operating a
31 clinical laboratory.]

32 [(16)] (8) “Physician” means a person licensed to practice medicine by the Oregon Medical
33 Board.

34 [(17) “Physician performed microscopy procedure” means a test personally performed by a physi-
35 cian or other clinician during a patient’s visit on a specimen obtained during the examination of the
36 patient.]

37 [(18) “Physician performed microscopy procedures” means a limited group of tests that are per-
38 formed only by a physician or clinician.]

39 [(19)] (9) “Specimen” means materials derived from a human being or body.

40 [(20)] (10) “Substances of abuse” means ethanol, cannabis and controlled substances.

41 [(21)] (11) “Substances of abuse on-site screening facility” or “on-site facility” means a location
42 where on-site tests are performed on specimens for the purpose of screening for the detection of
43 substances of abuse.

44 [(22)] (12) “Substances of abuse on-site screening test” or “on-site test” means a substances of
45 abuse test that is easily portable and can meet the requirements of the federal Food and Drug Ad-

1 ministration for commercial distribution or an alcohol screening test that meets the requirements
 2 of *[the conforming products list found in]* the United States Department of Transportation National
 3 Highway Traffic Safety Administration **for conforming products.** *[Docket No. 94-004 and meets the*
 4 *standards of the United States Department of Transportation Alcohol Testing Procedure, 49 C.F.R.*
 5 *part 40, in effect on October 23, 1999.]*

6 *[(23) "Waived test" means a procedure performed on materials derived from the human body that*
 7 *meet the criteria for this category of testing as established by the authority.]*

8 **SECTION 25.** ORS 438.040 is amended to read:

9 438.040. *[It is unlawful:]*

10 *[(1) For any owner or director of a clinical laboratory to operate or maintain a clinical laboratory*
 11 *without a license issued under ORS 438.110 or without a temporary permit issued under ORS 438.150*
 12 *or to perform or permit the performance of any laboratory specialty for which the laboratory is not li-*
 13 *censed except as specified under ORS 438.050, unless the laboratory has been issued a valid certificate*
 14 *from the federal government under the Clinical Laboratory Improvement Amendments of 1988 (P.L.*
 15 *100-578, 42 U.S.C. 201 and 263a).]*

16 *[(2) For an out-of-state laboratory to perform health screen testing in Oregon without a permit is-*
 17 *sued under ORS 438.150 (5).]*

18 *[(3) For any person to serve in the capacity of director of a clinical laboratory without being*
 19 *qualified as a clinical laboratory director under ORS 438.210.]*

20 **(1) The Oregon Health Authority shall verify the qualifications of each clinical laboratory**
 21 **in this state and shall issue a certificate to a clinical laboratory that satisfies the require-**
 22 **ments of the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C.**
 23 **201 and 263a).**

24 **(2) A clinical laboratory may not operate in this state without a certificate issued by the**
 25 **authority under this section.**

26 **SECTION 26.** ORS 438.060 is amended to read:

27 438.060. *[Notwithstanding ORS 438.050, any person performing health screen testing must obtain*
 28 *a permit under ORS 438.150 (5). However, an employer providing health screen testing to employees*
 29 *of the employer is exempt from the applications of ORS 438.010, 438.130, 438.150 and this section if*
 30 *such employer contracts for the testing through a licensed physician, a clinical laboratory or a hospital,*
 31 *which is a permittee of the Oregon Health Authority as provided in this section.]*

32 **(1) Except as provided in subsection (2) of this section, a clinical laboratory in this state**
 33 **or out of this state may not perform health screen testing in this state without a permit**
 34 **issued by the Oregon Health Authority under ORS 438.150.**

35 **(2) An employer may enter into a contract with a third party to provide health screen**
 36 **testing to the employees of the employer if the third party has a permit issued under ORS**
 37 **438.150.**

38 **SECTION 27.** ORS 438.150 is amended to read:

39 438.150. *[(1) In addition to the license of a clinical laboratory required by ORS 438.040, the Oregon*
 40 *Health Authority may issue a temporary permit valid for a period, to be determined by the authority,*
 41 *from the date of issuance in any or all clinical laboratory specialties upon payment of the respective*
 42 *required fees as described in ORS 438.130 (2).]*

43 *[(2) In issuing the temporary permit, the authority may require that:]*

44 *[(a) Plans for compliance with applicable laws and rules be submitted with the application for the*
 45 *temporary permit;]*

1 *[(b) During the period in which the temporary permit is in effect periodic reports be submitted on*
 2 *the progress of the plans for compliance; and]*

3 *[(c) Special temporary provisions specified by the authority upon application of the temporary per-*
 4 *mit be maintained for the protection of the public.]*

5 *[(3) If at any time the authority determines that the clinical laboratory can no longer operate in a*
 6 *manner that protects the public health and safety or that the requirements imposed under subsection*
 7 *(2) of this section are not being maintained, the authority shall cancel the temporary permit.]*

8 *[(4) One renewal of the temporary permit may be granted if deemed to be in the best interest of*
 9 *public health by the authority. The fee for renewal is the respective required fee as described in ORS*
 10 *438.130 (2).]*

11 *[(5) The authority may issue permits for health screen testing.]*

12 *[(6) The authority by rule shall specify:]*

13 *[(a) Appropriate quality assurance procedures;]*

14 *[(b) Personnel qualifications;]*

15 *[(c) Standards for counseling and referral of persons being tested;]*

16 *[(d) Tests a health testing service may conduct;]*

17 *[(e) The procedure for applying for a permit; and]*

18 *[(f) The procedure for reporting to the authority the location of all health screening facilities.]*

19 *[(7) The authority by rule may specify the maximum length of time a health screen testing service*
 20 *may remain in one location.]*

21 **(1)(a) A clinical laboratory may apply for a permit to conduct health screen testing by**
 22 **submitting an application to the Oregon Health Authority.**

23 **(b) The authority may issue a permit to a clinical laboratory to conduct health screen**
 24 **testing if the clinical laboratory satisfies the requirements established by the authority by**
 25 **rule under subsection (2) of this section.**

26 **(2) The authority shall adopt rules to administer this section, including rules establishing:**

27 **(a) Application procedures and permit eligibility requirements, including an application**
 28 **fee, permit fee or both;**

29 **(b) Appropriate quality assurance practices;**

30 **(c) Personnel qualifications;**

31 **(d) A list of tests that a clinical laboratory may conduct;**

32 **(e) Counseling and referral standards for persons being tested; and**

33 **(f) Reporting standards for clinical laboratories to notify the authority of the location of**
 34 **any health screen testing facilities.**

35 **(3) The authority may establish by rule a maximum period of time a clinical laboratory**
 36 **conducting health screen tests may remain in a single location.**

37 **SECTION 28.** ORS 438.160 is amended to read:

38 438.160. *[Subject to ORS chapter 183, the Oregon Health Authority may refuse to issue or renew*
 39 *the license, or may suspend or revoke the license or health screen testing permit, of a clinical laboratory*
 40 *if it finds that the owner or director has:]*

41 **Subject to ORS chapter 183, the Oregon Health Authority may refuse to issue or renew**
 42 **or may suspend or revoke a certificate described in ORS 438.040, a permit for health screen**
 43 **testing described in ORS 438.150 or a permit for substances of abuse on-site screening testing**
 44 **described in ORS 438.435 if the authority finds that the owner or director of the clinical**
 45 **laboratory or substances of abuse on-site screening facility has:**

1 (1) Intentionally made false statements on an application for a **certificate described in ORS**
2 **438.040, a permit for health screen testing described ORS 438.150, a permit for substances**
3 **of abuse on-site screening testing described in ORS 438.435** [*clinical laboratory license*] or any
4 other documents required by the authority, or made any misrepresentation in seeking to obtain or
5 retain a [*license*] **certificate or permit**.

6 (2) Demonstrated incompetence as defined pursuant to regulations promulgated after public
7 hearing.

8 (3) Intentionally falsified any report.

9 (4) Referred a specimen for examination to [*a nonlicensed or an unlicensed*] **an uncertified**
10 clinical laboratory in this state unless the laboratory is exempt from the application of ORS 438.010
11 to 438.510.

12 (5) Misrepresented the scope of laboratory service offered by the clinical laboratory [*or the*
13 *clinical laboratory specialties authorized by the license*] **or authorized by the certificate**.

14 (6) Rendered a report on clinical laboratory work actually performed in another clinical labo-
15 ratory without designating the name and address of the clinical laboratory in which the test was
16 performed.

17 (7) Knowingly had professional connection with or permitted the use of the name of the
18 [*licensed*] clinical laboratory or its director by a clinical laboratory that is required to but has not
19 obtained a [*license*] **certificate**.

20 (8) Failed to perform or cause to be performed within the time specified analysis of test samples
21 [*as authorized by ORS 438.320,*] or failed to report on the results of such analysis within the speci-
22 fied time.

23 (9) Failed to permit within a reasonable time the entry or inspection authorized [*by ORS*
24 *438.310.*] **under the certificate**.

25 [(10) *Failed to continue to meet requirements of ORS 438.110 and 438.120.*]

26 [(11)] (10) Violated any provision of ORS 438.010 to 438.510.

27 **SECTION 29.** ORS 438.220 is amended to read:

28 438.220. [*Notwithstanding ORS 438.210, a*] **A** person is qualified to act as the laboratory director
29 of the clinical laboratory at any accredited chiropractic college in this state for the benefit of
30 chiropractic patients if that person is a chiropractic physician licensed by the State Board of
31 Chiropractic Examiners, and possesses special qualifications, as determined by the State Board of
32 Chiropractic Examiners, that enable that person to perform as a laboratory director.

33 **SECTION 30.** ORS 438.310 is amended to read:

34 438.310. [(1)] The Oregon Health Authority or its authorized representative may[:]

35 [(a) *At reasonable times enter the premises of a clinical laboratory licensed or subject to being li-*
36 *censed under ORS 438.010 to 438.510 to inspect the facilities, methods, procedures, materials, staff,*
37 *equipment, laboratory results and records of the clinical laboratory.*]

38 [(b) *Require the owner or director to submit reports on the operations and procedures of the labo-*
39 *ratory.*]

40 [(c) *Require*] **require** the owner or director **of a clinical laboratory certified under ORS**
41 **438.040** to submit initial laboratory findings indicative of communicable disease as defined by law
42 or by rule. Each report shall include the name of the person from whom the specimen was obtained,
43 if the name was reported to the laboratory, and the name and address of the physician for whom
44 such examination or test was made. Such reports shall not be construed as constituting a diagnosis
45 nor shall any laboratory making such report be held liable under the laws of this state for having

1 violated a trust or confidential relationship.

2 [(2) *The Director of the Oregon Health Authority or a designee, the authority, or any employee*
3 *thereof, shall not disclose information contained in reports on communicable diseases submitted to the*
4 *authority under subsection (1) of this section except as such information is made available to employees*
5 *of the authority and to local health officers for purposes of administering the public health laws of this*
6 *state. However, information contained in such reports may be used in compiling statistical and other*
7 *data in which persons are not identified by name or otherwise.*]

8 [(3) *The authority shall by rule set standards for the recognition of private laboratory accrediting*
9 *organizations whose standards meet or exceed federal standards. A laboratory that is accredited by a*
10 *private laboratory accrediting organization recognized by the authority under this section may submit*
11 *proof of such accreditation to the authority. Upon receipt of such proof, the authority shall issue a li-*
12 *cence pursuant to ORS 438.130.*]

13 **SECTION 31.** ORS 438.435 is amended to read:

14 438.435. [(1) *In addition to duties which a clinical laboratory may perform under ORS 438.010 to*
15 *438.510, a laboratory is authorized to perform appropriate tests, examinations or analyses on materials*
16 *derived from the human body for the purpose of detecting substances of abuse in the body. All labo-*
17 *ratories performing the tests, examinations or analyses must be licensed under the provisions of ORS*
18 *438.010 to 438.510 and must employ qualified technical personnel to perform the tests, examinations and*
19 *analyses.*]

20 [(2) *In order to perform such tests, examinations or analyses, the laboratory may examine speci-*
21 *mens submitted by persons other than those described in ORS 438.430 (1) and shall report the result*
22 *of any test, examination or analysis to the person who submitted the specimen. When the substance of*
23 *abuse test is for nonmedical employment or pre-employment purposes, and a written request is provided,*
24 *the test result shall be reported to the person from whom the specimen was originally obtained.*]

25 [(3) *When the specimen of a person tested for substances of abuse is submitted to the laboratory*
26 *and the test result is positive, the laboratory shall perform a confirming test which has been designated*
27 *by rule of the Oregon Health Authority as the best available technology for use to determine whether*
28 *or not the substance of abuse identified by the first test is present in the specimen prior to reporting*
29 *the test results.*]

30 [(4) (1) The **Oregon Health Authority** by rule shall set standards for [*special category labora-*
31 *tories*] **substances of abuse on-site screening facilities** that engage only in the initial testing for
32 substances of abuse in the body, including [*registration procedures for such laboratories and*
33 *personnel*] **application procedures and permit eligibility requirements for a facility to obtain**
34 **a permit to conduct substances of abuse on-site screening tests.**

35 [(5) (2) The operator of a substances of abuse on-site screening facility may use substances of
36 abuse on-site screening tests if the test results are not for use in diagnosing or preventing disease
37 and are not for use by physicians, dentists or other licensed health care professionals in treating
38 humans. Any entity using the test shall pay a yearly filing fee[, *not to exceed \$50,*] **established by**
39 **rule by the authority**, and file a [*registration*] **permit application** form as provided by rule of the
40 authority that:

41 (a) States the current name and address of the entity, the telephone number of the entity, if any,
42 and the name of a contact individual at each on-site facility operated by the entity; and

43 (b) Certifies that:

44 (A) The tests are being administered according to the federal Food and Drug Administration
45 package insert that accompanies the test;

1 (B) The tests are being administered according to the instructions of the manufacturer;

2 (C) Custody chain procedures are being followed;

3 (D) Operators of the substances of abuse on-site screening facility are trained in the use of the
4 substances of abuse on-site screening tests by the manufacturer; and

5 (E) If the substances of abuse on-site screening facility obtains a positive test result on a spec-
6 imen and the entity indicates that the test result is to be used to deny or deprive any person of
7 employment or any benefit, or may otherwise result in adverse employment action, the same speci-
8 men shall be submitted to a clinical laboratory [*licensed under ORS 438.110 and 438.150*] **certified**
9 **under ORS 438.040** or an equivalent out-of-state facility and the presence of a substance of abuse
10 confirmed prior to release of the on-site test result.

11 [(6)] (3) The authority by rule shall set reasonable standards for [*the*] **substances of abuse**
12 **on-site** screening by correctional agencies of adults in custody within state and local correctional
13 facilities and offenders on parole, probation or post-prison supervision for substances of abuse. The
14 standards shall include, but not be limited to, the establishment of written procedures and protocols,
15 the qualifications and training of individuals who perform screening tests, the approval of specific
16 technologies and the minimum requirements for record keeping, quality control and confirmation of
17 positive screening results.

18 [(7)] (4) If an initial test by a [*special category laboratory under subsection (4) of this section or*
19 *a special category screening under subsection (6) of this section*] **substances of abuse on-site**
20 **screening facility** shows a result indicating the presence of a substance of abuse in the body, a
21 confirmatory test shall be conducted in a [*licensed*] clinical laboratory **certified under ORS 438.040**
22 if the results are to be used to deprive or deny any person of any employment or benefit. If a
23 screening test of an adult in custody in a state or local correctional facility is positive for a sub-
24 stance of abuse, the adult in custody may be held in a secure facility pending the outcome of the
25 confirmatory test. If the confirmatory test is positive, the adult in custody may be held in a secure
26 facility pending the outcome of any hearing to determine what action will be taken.

27 [(8)] (5) If any test for substances of abuse is performed outside this state the results of which
28 are to be used to deprive or deny any person any employment or any benefit, the person desiring
29 to use the test shall have the burden to show that the testing procedure used meets or exceeds the
30 testing standards of this state.

31 **(6) Notwithstanding the provisions of this section, a clinical laboratory certified under**
32 **ORS 438.040 may perform substances of abuse on-site screening testing.**

33 **SECTION 32.** ORS 438.450 is amended to read:

34 438.450. The Oregon Health Authority shall make such rules as are necessary for carrying out
35 ORS 438.010 to [*438.510 in accordance with ORS 183.330.*] **438.450.**

36 **SECTION 33.** ORS 438.705 is amended to read:

37 438.705. As used in ORS 438.705 to 438.720 and 438.994:

38 (1) "Anatomical material" means the body of a dead human or a cell, group of cells or body part
39 taken from the body of a dead human.

40 (2) "Donor" has the meaning given that term in ORS 97.953.

41 (3)(a) "Nontransplant anatomical research recovery organization" means a person that engages
42 in the recovery or distribution of anatomical material from a donor for research or education pur-
43 poses other than transplanting the anatomical material or therapy.

44 (b) "Nontransplant anatomical research recovery organization" does not include:

45 (A) A hospital or other health care facility, as those terms are defined in ORS 442.015;

- 1 (B) A public corporation, as defined in ORS 353.010;
- 2 (C) A public or private institution of higher education; or
- 3 (D) A clinical laboratory, as defined in ORS 438.010, that is:
- 4 (i) [*Licensed*] **certified** under ORS 438.010 to 438.510; and
- 5 (ii) Owned or controlled by, or under common ownership with, a hospital described in subpara-
- 6 graph (A) of this paragraph.

7 **SECTION 34.** ORS 438.990 is amended to read:

8 438.990. Violation of [*any provision of*] ORS 438.040 [*or 438.510*] is a Class A misdemeanor. Each

9 day of continuing violation shall be considered a separate offense.

10 **SECTION 35. ORS 438.030, 438.050, 438.055, 438.070, 438.110, 438.120, 438.130, 438.140,**

11 **438.210, 438.320, 438.420 and 438.510 are repealed.**

12 **SECTION 36.** ORS 413.550 is amended to read:

13 413.550. As used in ORS 413.550 to 413.559:

14 (1) “Certified health care interpreter” means an individual who has been approved and certified

15 by the Oregon Health Authority under ORS 413.558.

16 (2) “Coordinated care organization” has the meaning given that term in ORS 414.025.

17 (3) “Health care” means medical, surgical, oral or hospital care or any other remedial care re-

18 cognized by state law, including physical and behavioral health care.

19 (4)(a) “Health care interpreter” means an individual who is readily able to:

20 (A) Communicate in English and communicate with a person with limited English proficiency

21 or who communicates in signed language;

22 (B) Accurately interpret the oral statements of a person with limited English proficiency, or the

23 statements of a person who communicates in signed language, into English;

24 (C) Accurately interpret oral statements in English to a person with limited English proficiency

25 or who communicates in signed language;

26 (D) Sight translate documents from a person with limited English proficiency; and

27 (E) Interpret the oral statements of other persons into the language of the person with limited

28 English proficiency or into signed language.

29 (b) “Health care interpreter” also includes an individual who can provide the services described

30 in paragraph (a) of this subsection using relay or indirect interpretation.

31 (5) “Health care interpreter registry” means the registry described in ORS 413.558 that is ad-

32 ministered by the authority.

33 (6)(a) “Health care provider” means any of the following that are reimbursed with public funds,

34 in whole or in part:

35 (A) An individual licensed or certified by the:

36 (i) State Board of Examiners for Speech-Language Pathology and Audiology;

37 (ii) State Board of Chiropractic Examiners;

38 (iii) State Board of Licensed Social Workers;

39 (iv) Oregon Board of Licensed Professional Counselors and Therapists;

40 (v) Oregon Board of Dentistry;

41 (vi) State Board of Massage Therapists;

42 (vii) Oregon Board of Naturopathic Medicine;

43 (viii) Oregon State Board of Nursing;

44 (ix) Oregon Board of Optometry;

45 (x) State Board of Pharmacy;

- 1 (xi) Oregon Medical Board;
- 2 (xii) Occupational Therapy Licensing Board;
- 3 (xiii) Oregon Board of Physical Therapy;
- 4 (xiv) Oregon Board of Psychology;
- 5 (xv) Board of Medical Imaging;
- 6 (xvi) State Board of Direct Entry Midwifery;
- 7 (xvii) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- 8 (xviii) Board of Registered Polysomnographic Technologists;
- 9 (xix) Board of Licensed Dietitians; and
- 10 (xx) State Mortuary and Cemetery Board;
- 11 (B) An emergency medical services provider licensed by the Oregon Health Authority under
- 12 ORS 682.216;
- 13 (C) A clinical laboratory [*licensed under ORS 438.110*] **certified under ORS 438.040**;
- 14 (D) A health care facility as defined in ORS 442.015;
- 15 (E) A home health agency licensed under ORS 443.015;
- 16 (F) A hospice program licensed under ORS 443.860; or
- 17 (G) Any other person that provides health care or that bills for or is compensated for health
- 18 care provided, in the normal course of business.
- 19 (b) “Health care provider” does not include any individual listed in paragraph (a) of this sub-
- 20 section when providing services as an employee of or under contract with:
- 21 (A) A school district, as defined in ORS 332.002;
- 22 (B) A public charter school, as defined in ORS 338.005; or
- 23 (C) An education service district, as defined in ORS 334.003.
- 24 (7) “Interpretation service company” means an entity, or a person acting on behalf of an entity,
- 25 that is in the business of arranging for health care interpreters to work with health care providers
- 26 in this state.
- 27 (8) “Person with limited English proficiency” means a person who, by reason of place of birth
- 28 or culture, communicates in a language other than English and does not communicate in English
- 29 with adequate ability to communicate effectively with a health care provider.
- 30 (9) “Prepaid managed care health services organization” has the meaning given that term in
- 31 ORS 414.025.
- 32 (10) “Qualified health care interpreter” means an individual who has been issued a valid letter
- 33 of qualification from the authority under ORS 413.558.
- 34 (11) “Sight translate” means to translate a written document into spoken or signed language.
- 35 **SECTION 37.** ORS 413.561 is amended to read:
- 36 413.561. ORS 413.559 may be enforced by any means permitted under law by:
- 37 (1) A health professional regulatory board with respect to a health care provider under the ju-
- 38 risdiction of the board.
- 39 (2) The Oregon Health Authority or the Department of Human Services with regard to health
- 40 care providers or facilities regulated by the authority or the department and health care providers
- 41 enrolled in the medical assistance program.
- 42 (3) The authority with regard to emergency medical services providers licensed under ORS
- 43 682.216 and clinical laboratories [*licensed under ORS 438.110*] **certified under ORS 438.040**.
- 44 **SECTION 38.** ORS 813.160 is amended to read:
- 45 813.160. (1) A chemical analysis is valid under ORS 813.300 if:

1 (a) It is an analysis of a person's blood for alcohol content and is performed in:

2 (A) A laboratory certified or accredited under 42 C.F.R. part 493 and approved for toxicology
3 testing;

4 (B) A laboratory [*licensed under ORS 438.110*] **certified under ORS 438.040** and approved for
5 toxicology testing; or

6 (C) A forensic laboratory established by the Department of State Police under ORS 181A.150
7 that is accredited by a national forensic accrediting organization.

8 (b) It is an analysis of a person's breath and is performed by an individual possessing a valid
9 permit to perform chemical analyses issued by the Department of State Police and is performed ac-
10 cording to methods approved by the Department of State Police. For purposes of this paragraph,
11 the Department of State Police shall do all of the following:

12 (A) Approve methods of performing chemical analyses of a person's breath.

13 (B) Prepare manuals and conduct courses throughout the state for the training of police officers
14 in chemical analyses of a person's breath, which courses shall include, but are not limited to, ap-
15 proved methods of chemical analyses, use of approved equipment and interpretation of test results
16 together with a written examination on these subjects.

17 (C) Test and certify the accuracy of equipment to be used by police officers for chemical ana-
18 lyses of a person's breath before regular use of the equipment and periodically thereafter at inter-
19 vals of not more than 90 days. Tests and certification required by this subparagraph must be
20 conducted by trained technicians. Certification under this subparagraph does not require a signed
21 document.

22 (D) Ascertain the qualifications and competence of individuals to conduct chemical analyses in
23 accordance with one or more methods approved by the department.

24 (E) Issue permits to individuals according to their qualifications. Permits may be issued to police
25 officers only upon satisfactory completion of the prescribed training course and written examination.
26 A permit must state the methods and equipment that the police officer is qualified to use. Permits
27 are subject to termination or revocation at the discretion of the Department of State Police.

28 (2) In conducting a chemical test of the blood, only a duly licensed physician or a person acting
29 under the direction or control of a duly licensed physician may withdraw blood or pierce human
30 tissue. A licensed physician, or a qualified person acting under the direction or control of a duly
31 licensed physician, is not civilly liable for withdrawing any bodily substance, in a medically ac-
32 ceptable manner, at the request of a peace officer.

33 (3) An individual who performs a chemical analysis of breath or blood under ORS 813.100 or
34 813.140 shall prepare and sign a written report of the findings of the test that must include the
35 identification of the police officer upon whose request the test was administered.

36 (4) Any individual having custody of the report mentioned in subsection (3) of this section shall,
37 upon request of the person tested, furnish that person or that person's attorney, a copy of the report.

38 (5) The expense of conducting a chemical test as provided by ORS 813.100 or 813.140 must be
39 paid by the governmental unit on whose equipment the test is conducted or by the governmental
40 unit upon whose request the test was administered if no governmental unit's equipment is used to
41 conduct the test.

42 **SECTION 39.** ORS 830.535 is amended to read:

43 830.535. (1) A chemical analysis is valid under ORS 830.505, 830.520 or 830.525 if:

44 (a) It is an analysis of a person's blood for alcohol content and is performed in:

45 (A) A laboratory certified or accredited under 42 C.F.R. part 493 and approved for toxicology

1 testing;

2 (B) A laboratory [*licensed under ORS 438.110*] **certified under ORS 438.040** and approved for
3 toxicology testing; or

4 (C) A forensic laboratory established by the Department of State Police under ORS 181A.150
5 that is accredited by a national forensic accrediting organization.

6 (b) It is an analysis of a person's breath and is performed by an individual possessing a valid
7 permit to perform chemical analyses issued by the Department of State Police under ORS 813.160
8 or by the State Marine Board under the provisions of this section. Chemical analyses must be per-
9 formed according to methods approved by the Department of State Police under ORS 813.160 or
10 approved by the board under this section. For purposes of this section, the board shall do all of the
11 following:

12 (A) Approve methods of performing chemical analyses of a person's breath.

13 (B) Prepare manuals and conduct courses throughout the state for the training of peace officers
14 in chemical analyses of a person's breath, which courses shall include, but are not limited to, ap-
15 proved methods of chemical analyses, use of approved equipment and interpretation of test results
16 together with a written examination on these subjects.

17 (C) Test and certify the accuracy of equipment to be used by peace officers for chemical ana-
18 lyses of a person's breath before regular use of the equipment and periodically thereafter at inter-
19 vals of not more than 90 days. Tests and certification required by this subparagraph must be
20 conducted by trained technicians.

21 (D) Ascertain the qualifications and competence of individuals to conduct chemical analyses in
22 accordance with one or more methods approved by the board or by the Department of State Police
23 under ORS 813.160.

24 (E) Issue permits to individuals according to their qualifications. Permits may be issued to peace
25 officers only upon satisfactory completion of the prescribed training course and written examination.
26 A permit must state the methods and equipment that the peace officer is qualified to use. Permits
27 are subject to termination or revocation at the discretion of the board.

28 (2) In conducting a chemical test of the blood, only a duly licensed physician or a person acting
29 under the direction or control of a duly licensed physician may withdraw blood or pierce human
30 tissue. A licensed physician, or a qualified person acting under the direction or control of a duly
31 licensed physician, is not civilly liable for withdrawing any bodily substance, in a medically ac-
32 ceptable manner, at the request of a peace officer.

33 (3) An individual who performs a chemical analysis of breath or blood under ORS 830.505,
34 830.520 or 830.525 shall prepare and sign a written report of the findings of the test. A test admin-
35 istered at the request of a peace officer must include the identification of the peace officer upon
36 whose request the test was administered.

37 (4) Any individual having custody of the report mentioned in subsection (3) of this section shall,
38 upon request of the person tested, furnish a copy of the report to that person or that person's at-
39 torney.

40 (5) The expense of conducting a chemical test as provided by ORS 830.505 or 830.520 must be
41 paid by the governmental units on whose equipment the test is conducted or by the governmental
42 units upon whose request the test was administered if no governmental unit's equipment is used to
43 conduct the test.

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45

SCHOOL-BASED HEALTH CENTERS

1 **SECTION 40.** ORS 413.223 is amended to read:

2 413.223. The division of the Oregon Health Authority that is charged with public health func-
3 tions:

4 (1) Shall develop and continuously refine a system of care that:

5 (a) Meets the developmental needs of adolescents;

6 (b) Promotes evidence-based practices for children; and

7 (c) Prioritizes public health through activities such as:

8 (A) Establishing certification and performance standards;

9 (B) Collecting and analyzing clinical data;

10 (C) Conducting ongoing assessments and special studies; and

11 (D) Defining a statewide planning and development process.

12 (2) Shall adopt by rule the procedures and criteria for the certification, suspension and decerti-
13 fication of school-based health centers. The procedures must allow certified school-based health
14 centers a reasonable period of time to cure any defects in compliance prior to the suspension or
15 decertification of the school-based health center.

16 (3) Shall convene work groups to recommend best practices for school-based health centers with
17 respect to electronic health records, billing, joint purchasing, business models and patient centered
18 primary care home identification.

19 (4)(a) May, in addition to the duties described in subsection (1) of this section, enter into [*a*
20 *contract with an entity that coordinates the efforts of school-based health centers*] **contracts with**
21 **entities** for the purpose of providing assistance to school-based health centers that receive grant
22 moneys under ORS 413.225.

23 (b) A contract entered into under this subsection must require the entity to:

24 (A) Provide technical assistance and community-specific ongoing training to school-based health
25 centers, school districts and education service districts;

26 (B) Assist school-based health centers in improving business practices, including practices re-
27 lated to billing and efficiencies;

28 (C) Assist school-based health centers in expanding their relationships with coordinated care
29 organizations, sponsors of medical care for school-age children and other community-based providers
30 of school-based health and mental health services; and

31 (D) Facilitate the integration of health and education policies and programs at the local level
32 so that school-based health centers operate in an optimal environment.

33 **SECTION 41.** ORS 413.225 is amended to read:

34 413.225. (1) As used in this section:

35 (a) “Community health center or safety net clinic” means a nonprofit medical clinic or school-
36 based health center that provides primary physical health, vision, dental or mental health services
37 to low-income patients without charge or using a sliding scale based on the income of the patient.

38 (b) “School-based health center” means a health clinic that:

39 (A) Is located on the grounds of a school in a school district or on the grounds of a school op-
40 erated by a federally recognized Indian tribe or tribal organization;

41 (B) Is organized through collaboration among **youth**, schools, communities and health providers,
42 including public health authorities;

43 (C) Is administered by a county, state, federal or private organization that ensures that certi-
44 fication requirements are met and provides project funding through grants, contracts, billing or
45 other sources of funds;

- 1 (D) Is operated exclusively for the purpose of providing health services such as:
- 2 (i) Primary care;
- 3 (ii) Preventive health care;
- 4 (iii) Management and monitoring of chronic health conditions;
- 5 (iv) Behavioral health care;
- 6 (v) Oral health care;
- 7 (vi) Health education services; and
- 8 (vii) The administration of vaccines recommended by the Centers for Disease Control and Pre-
- 9 vention;
- 10 (E) Provides health services to children and adolescents by licensed or certified health profes-
- 11 sionals; and
- 12 (F) May provide one or more health services to children and adolescents by:
- 13 (i) A student enrolled in a professional medical, nursing or dental program at an accredited
- 14 university if the health service is within the student's field of study and training; or
- 15 (ii) An expanded practice dental hygienist holding a permit issued under ORS 680.200 for oral
- 16 health care.
- 17 (2)(a) The Oregon Health Authority shall award grants to community health centers or safety
- 18 net clinics, including school-based health centers, to ensure the capacity of each grantee to provide
- 19 health care services to underserved or vulnerable populations.
- 20 (b) The authority shall work with the Centers for Medicare and Medicaid Services and
- 21 stakeholders to identify additional sources of funding for school-based health center expenditures for
- 22 which federal financial participation is available under Title XIX or Title XXI of the Social Security
- 23 Act.
- 24 (3) The authority shall provide outreach for the Cover All People program, including develop-
- 25 ment and administration of an application assistance program, and including grants to provide
- 26 funding to organizations and local groups for outreach and enrollment activities for the program,
- 27 within the limits of funds provided by the Legislative Assembly for this purpose.
- 28 (4) The authority shall, using funds allocated by the Legislative Assembly:
- 29 (a) Provide funds for the expansion and continuation of school-based health centers that are
- 30 operating on July 29, 2013, and that become certified under ORS 413.223;
- 31 (b) Direct funds to communities with certified school-based health centers and to communities
- 32 planning for certified school-based health centers; and
- 33 (c) Create a pool of funds available to provide financial incentives to:
- 34 (A) Increase the number of school-based health centers identified as patient centered primary
- 35 care homes without requiring school-based health centers to be identified as patient centered pri-
- 36 mary care homes;
- 37 (B) Improve the coordination of the care of patients served by coordinated care organizations
- 38 and school-based health centers; and
- 39 (C) Improve the effectiveness of the delivery of health services through school-based health
- 40 centers to children who qualify for medical assistance.
- 41 (5) The authority shall by rule adopt criteria for awarding grants and providing funds in ac-
- 42 cordance with this section.
- 43 (6) The authority shall analyze and evaluate the implementation of the Cover All People pro-
- 44 gram.
- 45

MEDICAL ASSISTANCE

SECTION 42. ORS 411.447 is amended to read:

411.447. (1) As used in this section, “correctional facility” means:

- (a) A local correctional facility as defined in ORS 169.005;
- (b) A Department of Corrections institution as defined in ORS 421.005; or
- (c) A youth correction facility as defined in ORS 162.135.

(2) The Department of Human Services or the Oregon Health Authority shall:

(a) Suspend, instead of terminate, the medical assistance of a person who is residing in a correctional facility; **or**

(b) **Enroll a person who is eligible for pre-release medical assistance benefits, as authorized by federal law, in the appropriate benefit package.**

(3) Upon notification that a person described in subsection (2) of this section is not residing in a correctional facility or that the person is admitted to a medical institution outside of the correctional facility for a period of hospitalization, the department or the authority shall reinstate the *[person’s medical assistance if the person is eligible for medical assistance]* **medical assistance benefits for which the person is eligible at the time of release or hospitalization.**

(4)(a) A designee of a correctional facility may apply for medical assistance on behalf of a person, while the person is residing in the correctional facility, for the purpose of establishing **the person’s** eligibility for **pre-release medical assistance benefits**, medical assistance upon the person’s release from the correctional facility or **medical assistance** during a period of hospitalization that will occur outside of the correctional facility.

(b) The designee may obtain information necessary to determine eligibility for medical assistance, including the person’s Social Security number or information that is not otherwise subject to disclosure under ORS 411.320 or 413.175. The information obtained under this paragraph may be used only for the purpose of assisting the person in applying for medical assistance and may not be redisclosed without the person’s authorization.

[(c) If the person is determined eligible for medical assistance, the effective date of the person’s medical assistance shall be the date the person is released from the correctional facility or the date the person begins the period of hospitalization outside of the correctional facility.]

(5) This section does not extend eligibility to an otherwise ineligible person or extend medical assistance to a person if matching federal funds are not available to pay for the medical assistance.

CAPTIONS

SECTION 43. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.