

Chapter 688

2007 EDITION

Therapeutic and Technical Services: Physical Therapists; Radiologic Technologists and Radiation Therapists; Hemodialysis Technicians; Athletic Trainers; Respiratory Therapists

PHYSICAL THERAPISTS		(Licensing)	
(Generally)		688.445	Licensing and renewal procedure; fees
688.010	Definitions for ORS 688.010 to 688.201	688.455	License fee; general qualifications
688.015	Findings and purpose	688.465	Qualifications of radiologic technologist in diagnostic field
688.020	License required to practice physical therapy or use designation	688.475	Qualifications of radiologic technologist in therapeutic field
688.030	Application of ORS 688.010 to 688.201	688.480	Operator of certain tomography equipment to be certified
688.035	Short title	688.485	Examinations; fees
(Licensing)		688.495	Licensing without examination
688.040	Licensing procedure	688.505	Evidence of continuing education on renewal
688.050	Qualifications of physical therapist; examination; rules	688.515	Limited permit; temporary license; X-ray bone densitometry operator permit; fees; qualifications
688.055	Qualifications of physical therapist assistant; examination	688.520	Licenses and permits for periods other than 24 months
688.080	Reciprocity; fee	688.525	Grounds for discipline; investigation of complaints; confidential information
688.090	License; certificate	(State Board)	
688.100	Renewals; rules; fee; lapse	688.545	Board of Radiologic Technology; qualifications; advisory member; term; compensation and expenses; officers; meetings; quorum
688.110	Temporary permit; fee	688.555	Rulemaking; executive officer
688.120	Fraudulent representations prohibited	688.557	Authority of board to require fingerprints
688.125	Notice to patient of interest in physical therapy practice	688.560	Fees for services; rules
688.132	Duty to refer person; exceptions; when personal injury protection benefits available	688.565	Program of continuing education
688.135	Duties and responsibilities of physical therapist	688.585	Board of Radiologic Technology Account
688.140	Grounds for discipline; sanctions; civil penalties	(Enforcement)	
688.145	Discipline procedure; review of orders; confidential information	688.595	Enforcement and inspections
(State Board)		688.600	Investigation of alleged violations; power of board; subpoenas
688.160	Physical Therapist Licensing Board; qualifications; terms; vacancies; duties; rules; fees; meetings; executive director	688.605	Duty to report violation; confidentiality; procedure on claims of violation
688.201	Disposition of receipts	HEMODIALYSIS TECHNICIANS	
(Enforcement)		688.625	Definitions for ORS 688.625 to 688.665
688.230	Report of suspected violation; confidentiality of report; liability of person reporting	688.630	Practice of hemodialysis by uncertified practitioner prohibited
RADIOLOGIC TECHNOLOGISTS AND RADIATION THERAPISTS		688.635	Scope of practice of hemodialysis technician; rules
(Generally)		688.640	Application for certificate; rules
688.405	Definitions for ORS 688.405 to 688.605	688.645	Fees
688.415	License required to practice radiologic technology; prohibited acts	688.650	Qualifications for certification; temporary or provisional certificates; continuing education; certificate expiration; rules
688.425	Licensed persons may use title		
688.435	Application of ORS 688.405 to 688.605		

OCCUPATIONS AND PROFESSIONS

688.655	Grounds for denying, suspending or revoking certificate; investigation; duty to report; confidential information; liability of person who reports		
688.660	Grounds for discipline of certificate holder; civil penalty; assessment of disciplinary proceeding cost		
688.665	Rules		
	ATHLETIC TRAINERS		
688.701	Definitions for ORS 688.701 to 688.734		
688.705	Board of Athletic Trainers; appointment; membership; terms		
688.707	Officers; quorum; meetings		
688.709	Board duties; rules		
688.715	Authority of Oregon Health Licensing Agency; rules; fees; investigations		
688.718	Registration required; exceptions		
688.720	Requirements for registration		
688.724	Registration renewal; late renewal; reinstatement		
688.728	Fees; rules; disposition of receipts		
688.730	Use of title		
688.734	Disciplinary authority of Oregon Health Licensing Agency		
		RESPIRATORY THERAPISTS	
688.800		Definitions for ORS 688.800 to 688.840	
688.805		Practice of respiratory care by unlicensed practitioner prohibited; exceptions; practice requirements	
688.810		Use of title	
688.815		Application for license; examination; license by endorsement	
688.820		Respiratory Therapist Licensing Board; qualification of members; terms	
688.825		Selection of board chairperson; quorum; meetings	
688.830		Duties of Oregon Health Licensing Agency and of board; rules	
688.834		Fees; rules; disposition of receipts	
688.836		Disciplinary authority of Oregon Health Licensing Agency	
688.840		Immunity from civil liability	
		PENALTIES	
688.915		Civil penalty for violation of ORS 688.405 to 688.605 or rules	
688.990		Criminal penalties	
688.995		Criminal penalty for violation of ORS 688.800 to 688.840	
688.997		Criminal penalty for violation of ORS 688.718	

PHYSICAL THERAPISTS
(Generally)

688.010 Definitions for ORS 688.010 to 688.201. As used in ORS 688.010 to 688.201, unless the context requires otherwise:

(1) "Board" means the Physical Therapist Licensing Board.

(2) "Physical therapist" means a person who is licensed pursuant to ORS 688.010 to 688.201 to practice physical therapy.

(3) "Physical therapist aide" means a person who is trained by a physical therapist or physical therapist assistant to perform designated and supervised routine tasks related to physical therapy and who works under the direct on-site supervision of a physical therapist or physical therapist assistant.

(4) "Physical therapist assistant" means a person who assists a physical therapist in the administration of selected components of physical therapy intervention. A physical therapist assistant works under the supervision and direction of the physical therapist.

(5) "Physical therapy" means the care and services provided by a physical therapist or by a physical therapist assistant under the supervision and direction of a physical therapist.

(6) "Practice of physical therapy" means:

(a) Examining, evaluating and testing for mechanical, physiological and developmental impairments, functional limitations and disabilities or other neuromusculoskeletal conditions in order to determine a physical therapy diagnosis or prognosis or a plan of physical therapy intervention and to assess the ongoing effects of physical therapy intervention.

(b) Alleviating impairments and functional limitations by designing, implementing, administering and modifying physical therapy interventions.

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

(d) Consulting or providing educational services to a patient for the purposes of paragraphs (a), (b) and (c) of this subsection. [1959 c.461 §1; 1965 c.314 §1; 1969 c.339 §1; 1971 c.585 §1; 1975 c.111 §1; 1987 c.726 §5; 2005 c.627 §3]

688.015 Findings and purpose. (1) The Legislative Assembly finds and declares that providing for state administrative control, supervision, licensure and regulation of the practice of physical therapy in this state serves the purpose of protecting the public health, safety and welfare.

(2) It is the intent of the Legislative Assembly that only individuals who meet and maintain prescribed standards of competence may engage in the practice of physical therapy as authorized by ORS 688.010 to 688.201 and implemented by the Physical Therapist Licensing Board. [2005 c.627 §1]

Note: 688.015 and 688.035 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

688.020 License required to practice physical therapy or use designation. (1) Unless a person is a licensed physical therapist or holds a permit issued under ORS 688.110, a person shall not:

(a) Practice physical therapy; or

(b) Use in connection with the name of the person the words or letters, "P.T.", "R.P.T.", "L.P.T.", "physical therapist", "physiotherapist" or any other letters, words, abbreviations or insignia indicating that the person is a physical therapist, or purports to be a physical therapist.

(2) Unless a person holds a license as a physical therapist assistant, a person shall not:

(a) Practice as a physical therapist assistant; or

(b) Use in connection with the name of the person the words or letters, "L.P.T.A.", "P.T.A.", "physical therapist assistant", "licensed physical therapist assistant", or any other letters, words, abbreviations or insignia indicating that the person is a physical therapist assistant or purports to be a physical therapist assistant. [1959 c.461 §2; 1965 c.314 §2; 1969 c.339 §2; 1971 c.585 §2; 1975 c.111 §2]

688.030 Application of ORS 688.010 to 688.201. ORS 688.010 to 688.201 do not apply to:

(1) A person engaging in the domestic application of any activity included in the definition of the practice of physical therapy, if the person does not represent to anyone receiving services or to the public that the person is a physical therapist or a physical therapist assistant.

(2) A person using any procedure included in the practice of physical therapy if the procedure is within the scope of practice of the person and the person:

(a) Is licensed under a health care licensing law of this state; and

(b) Does not represent or imply that the person is a physical therapist or a physical therapist assistant.

(3) A person who is enrolled in an accredited physical therapy education program that leads to a degree as a physical therapist

or a physical therapist assistant and who is satisfying supervised clinical education requirements under the direct supervision of a physical therapist.

(4) A physical therapist licensed in another jurisdiction who is, for a period not to exceed 60 days in each calendar year:

(a) Providing consultation from the other jurisdiction by means of telecommunications to a physical therapist in this state;

(b) Providing physical therapy services to a touring theater company, a performing arts company or an athletic team; or

(c) Performing physical therapy while teaching or participating in an educational conference in this state. [1959 c.461 §3; 1965 c.314 §3; 1975 c.111 §3; 1987 c.726 §6; 2007 c.403 §2]

688.035 Short title. ORS 688.010 to 688.201 may be cited as the Oregon Physical Therapy Practice Act. [2005 c.627 §2]

Note: See note under 688.015.

(Licensing)

688.040 Licensing procedure. (1) Any person desiring to be a licensed physical therapist or physical therapist assistant shall apply in writing to the Physical Therapist Licensing Board in the form and manner provided by the board by rule.

(2) Each application shall include or be accompanied by evidence, satisfactory to the board, that the applicant possesses the qualifications prescribed by ORS 688.050 for applicants for licensing as a physical therapist and ORS 688.055 for applicants for licensing as a physical therapist assistant.

(3) An applicant shall include with the application any application and examination fees prescribed by the board by rule.

(4) The board shall notify an applicant of any deficiencies in the application. [1959 c.461 §6; 1969 c.339 §3; 1971 c.585 §3; 1975 c.111 §4; 1995 c.79 §347; 2005 c.21 §7; 2005 c.627 §4a]

688.050 Qualifications of physical therapist; examination; rules. (1) Each applicant for a license as a physical therapist shall:

(a) Be at least 18 years of age.

(b) Be of good moral character as determined by the Physical Therapist Licensing Board.

(c) Be a graduate of an accredited professional physical therapy education program approved by the board.

(d) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to practice as a physical therapist or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical

therapist who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.

(2) In addition to the requirements of subsection (1) of this section, an applicant for a license as a physical therapist who has been educated outside the United States shall:

(a) Provide evidence satisfactory to the board that the applicant's physical therapy education program is recognized or accredited and that the applicant's education is substantially equivalent to the education of physical therapists who graduated from accredited physical therapy education programs approved by the board. If the board determines that the education of an applicant who graduated from a physical therapy education program outside the United States is not substantially equivalent, the board may require the applicant to complete additional course work before the board proceeds with the application process.

(b) Obtain an evaluation of the applicant's educational credentials by a credentials evaluation agency approved by the board.

(c) Demonstrate proficiency in English if required by the board.

(d) Pass to the satisfaction of the board an examination approved by the board.

(3) If an applicant who has been educated outside the United States is a graduate of an accredited physical therapy education program approved by the board, the board may waive the requirements of subsection (2)(a) and (b) of this section. [1959 c.461 §5; 1971 c.585 §4; 1973 c.827 §73; 2005 c.627 §5]

688.055 Qualifications of physical therapist assistant; examination. Each applicant for a license as a physical therapist assistant shall:

(1) Be at least 18 years of age.

(2) Be of good moral character as determined by the Physical Therapist Licensing Board.

(3) Be a graduate of an accredited physical therapist assistant education program approved by the board.

(4) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to work as a physical therapist assistant or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist assistant who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board. [1969 c.339 §5; 1971 c.585 §5; 1973 c.827 §74; 1975 c.111 §5; 2005 c.627 §6]

688.060 [1959 c.461 §4; 1969 c.339 §7; 1971 c.585 §6; 1975 c.111 §6; repealed by 1983 c.740 §251]

688.070 [1959 c.461 §7; 1969 c.339 §8; 1971 c.585 §7; 1975 c.526 §7; 1983 c.224 §1; repealed by 2005 c.627 §18]

688.080 Reciprocity; fee. (1) The Physical Therapist Licensing Board may license as a physical therapist or license as a physical therapist assistant, without examination, any person who:

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

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

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

(2) Each applicant under this section shall pay a fee to the board at the time of filing the application. [1959 c.461 §9; 1969 c.339 §9; 1971 c.585 §8; 1975 c.111 §7; 1975 c.526 §8; 1983 c.224 §1a; 2005 c.627 §7]

688.090 License; certificate. The Physical Therapist Licensing Board shall license as a physical therapist or a physical therapist assistant each applicant who proves to the satisfaction of the board fitness for such license as provided in ORS 688.010 to 688.201. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to represent that person as a licensed physical therapist or physical therapist assistant, whichever certificate the person holds, subject to the provisions of ORS 688.010 to 688.201. [1959 c.461 §10; 1969 c.339 §10; 1971 c.585 §9; 1975 c.111 §8]

688.100 Renewals; rules; fee; lapse. (1) A person who is licensed as a physical therapist or physical therapist assistant shall renew the person's license pursuant to the rules of the Physical Therapist Licensing Board. A person who fails to renew the license on or before the expiration date specified by board rule may not practice as a physical therapist or work as a physical therapist assistant in this state until the lapsed license is renewed.

(2) The board may reinstate a lapsed license upon payment of all past renewal and delinquency fees.

(3) If a person's license has lapsed for more than five consecutive years, that person

shall reapply for a license and pay all applicable fees. The person shall also demonstrate to the board's satisfaction competence to practice physical therapy, or shall serve an internship under a restricted license or take remedial or refresher courses, or both, at the discretion of the board. The board may also require the applicant to take an examination.

(4) A person who is licensed as a physical therapist or physical therapist assistant shall report to the board a name change or any change in business or residential address, electronic mail address or contact telephone number within 30 days after the date of change. [1959 c.461 §11; 1969 c.339 §11; 1971 c.585 §10; 1975 c.526 §9; 1983 c.224 §2; 2005 c.627 §8]

688.110 Temporary permit; fee. (1) The Physical Therapist Licensing Board, in its discretion, may issue without examination a temporary permit to a person to practice as a physical therapist or to work as a physical therapist assistant in this state if the person files an application for license as provided in ORS 688.040 or 688.080, and pays to the board at the time of filing the application the temporary permit fee.

(2) A person holding a temporary permit may practice physical therapy only under the direction of a physical therapist licensed under ORS 688.010 to 688.201.

(3) The temporary permit shall be granted for a period not to exceed three months. The board may renew the temporary permit at its discretion for an additional three months, but no longer. [1959 c.461 §12; 1969 c.339 §12; 1971 c.585 §11; 1975 c.526 §10; 1983 c.224 §3; 1991 c.703 §31; 2005 c.627 §9]

688.120 Fraudulent representations prohibited. A person may not obtain or attempt to obtain a license as a physical therapist or as a physical therapist assistant or a temporary permit under ORS 688.110 by any fraudulent representation. [1959 c.461 §13; 1969 c.339 §13; 1971 c.585 §12; 1975 c.111 §9; 2005 c.21 §8; 2005 c.627 §10]

688.125 Notice to patient of interest in physical therapy practice. In order to assure that physical therapy treatment of a patient is based solely on the needs of a patient, any health care practitioner described in ORS 676.110 who owns, in part or in whole, a physical therapy practice, or who employs a physical therapist, shall communicate the facts of that ownership or employment relationship to patients for whom physical therapy is prescribed and inform the patient that alternative sources of physical therapy treatment are available. [1987 c.726 §9]

688.130 [1959 c.461 §16; 1965 c.314 §4; 1969 c.339 §14; 1971 c.585 §13; 1975 c.111 §10; 1983 c.224 §4; 1989 c.947 §1; 1991 c.381 §1; 1993 c.211 §1; 1999 c.539 §1; 1999 c.582 §15; repealed by 2005 c.627 §18]

688.132 Duty to refer person; exceptions; when personal injury protection benefits available. (1) A licensed physical therapist shall immediately refer a person to a medical doctor, osteopathic physician, chiropractic physician, podiatric physician and surgeon, naturopathic physician, dentist, physician assistant or nurse practitioner if:

(a) Signs or symptoms are present that require treatment or diagnosis by such providers or for which physical therapy is contraindicated or for which treatment is outside the knowledge of the physical therapist or scope of practice of physical therapy; or

(b) The physical therapist continues therapy and 60 days have passed since the initial physical therapy treatment has been administered, unless:

(A) The individual is a child or a student eligible for special education, as defined by state or federal law, and is being seen pursuant to the child's or the student's individual education plan or individual family service plan;

(B) The individual is a student athlete at a public or private school, college or university and is seeking treatment in that role as athlete; or

(C) The individual is a resident of a long term care facility as defined in ORS 442.015, a residential facility as defined in ORS 443.400, an adult foster home as defined in ORS 443.705 or an intermediate care facility for mental retardation pursuant to federal regulations.

(2) Notwithstanding any provision of ORS 742.518 to 742.542, personal injury protection benefits are not required to be paid for physical therapy treatment of a person covered by the applicable insurance policy unless the person is referred to the physical therapist by a licensed physician, podiatric physician and surgeon, naturopathic physician, dentist, physician's assistant or nurse practitioner. [1993 c.211 §4; 1999 c.539 §2; 2001 c.104 §262; 2005 c.627 §11; 2007 c.403 §1]

688.134 [1993 c.211 §7; 1997 c.408 §1; repealed by 2005 c.627 §18]

688.135 Duties and responsibilities of physical therapist. (1) A physical therapist licensed under ORS 688.010 to 688.201 shall:

(a) Be responsible for managing all aspects of the physical therapy care of each patient.

(b) Ensure the qualifications of all physical therapist assistants and physical therapist aides working under the direction and supervision of the physical therapist.

(c) Provide for each patient the therapeutic intervention that requires the exper-

tise of a physical therapist and determine and supervise the use of physical therapist assistants or physical therapist aides to provide care that is safe, effective and efficient.

(2) Responsibility for patient care management shall include accurate documentation and billing of the physical therapy services provided. Information relating to the physical therapist-patient relationship is confidential and a physical therapist shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in ORS 192.518 to 192.529.

(3) Each physical therapist shall display a copy of the physical therapist's license or current renewal verification in a location accessible to public view at the physical therapist's place of practice or employment.

(4) A physical therapist may purchase, store and administer topical and aerosol medications as part of the practice of physical therapy as defined in ORS 688.010. A physical therapist shall comply with any rules adopted by the State Board of Pharmacy specifying protocols for storage of medications.

(5) A physical therapist shall adhere to the standards of ethics recognized by the physical therapy profession as further established by a nationally recognized professional organization of physical therapists and as further adopted by the board.

(6) A physical therapist shall disclose to a patient any direct financial interest in products that the physical therapist endorses and recommends to the patient at the time of such endorsement or recommendation. The disclosure shall be documented in the patient's record.

(7) A physical therapist shall refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of a physical therapist or when physical therapy is contraindicated.

(8) A physical therapist may provide compensable services to an injured worker only as authorized by ORS 656.250.

(9) Nothing in ORS 688.010 to 688.201 shall prohibit a physical therapist licensed under ORS 688.010 to 688.201 from accepting a referral from a veterinarian licensed under ORS chapter 686. The referral must be in writing and specify the treatment or therapy to be provided, pursuant to ORS 686.040 (4). A physical therapist practicing under this subsection shall be held to the standard of care for veterinarians set forth in ORS chapter 686. [2005 c.627 §16]

688.140 Grounds for discipline; sanctions; civil penalties. (1) The Physical Therapist Licensing Board, after notice and hearing as provided in ORS 688.145, may impose any or all of the following sanctions or take any of the following actions upon any of the grounds specified in subsection (2) of this section:

- (a) Refuse to license any applicant.
- (b) Refuse to renew the license of any physical therapist or physical therapist assistant.
- (c) Suspend or revoke the license of any physical therapist or physical therapist assistant.
- (d) Suspend or revoke a temporary permit issued under ORS 688.110.
- (e) Impose a civil penalty not to exceed \$5,000.
- (f) Impose probation with authority to limit or restrict a license.
- (g) Impose conditions, restrictions or limitations on practice.
- (h) Issue letters of reprimand.
- (i) Impose any other appropriate sanction, including assessment of the reasonable costs of a proceeding under ORS 688.145 as a civil penalty. Costs include, but are not limited to, the costs of investigation, attorney fees, hearing officer costs and the costs of discovery.

(2) Grounds exist for the imposition of sanctions as specified in subsection (1) of this section when a person:

- (a) Violates any provision of ORS 688.010 to 688.201, board rules or a written order from the board.
- (b) Practices or offers to practice beyond the scope of practice of physical therapy.
- (c) Obtains or attempts to obtain or renew a license or temporary permit by fraud or misrepresentation.
- (d) Provides substandard care as a physical therapist through a deliberate or negligent act or failure to act, regardless of whether injury to the patient occurs.
- (e) Provides substandard care as a physical therapist assistant by exceeding the authority to perform components of physical therapy interventions selected by the supervising physical therapist or through a deliberate or negligent act or failure to act, regardless of whether injury to the patient occurs.
- (f) Fails as a physical therapist to supervise physical therapist assistants in accordance with board rules.
- (g) Fails as a physical therapist or physical therapist assistant to supervise physical

therapist aides in accordance with board rules.

(h) Subject to the provisions of ORS 670.280, has been convicted of a crime in Oregon or any other state, territory or country. For purposes of this paragraph, conviction includes a verdict of guilty, a plea of guilty or a plea of no contest.

(i) Uses controlled substances or intoxicating liquors to an extent or in a manner that is illegal, dangerous or injurious to the licensee or others or that impairs the person's ability to safely practice physical therapy.

(j) Has had an application for licensure refused because of conduct or circumstances that would be grounds for sanctions by the board, or a license revoked or suspended, or other disciplinary action taken by the proper authorities of another state, territory or country.

(k) Engages in sexual misconduct. For purposes of this paragraph, sexual misconduct includes but is not limited to:

(A) Engaging in sexual conduct or soliciting a sexual relationship with a current patient, whether consensual or nonconsensual.

(B) Intentionally exposing or viewing a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to patient diagnosis or treatment under current practice standards.

(L) Directly or indirectly requests, receives, pays or participates in dividing, transferring or assigning an unearned fee or profits by a means of a credit or other valuable consideration such as an unearned commission, discount or gratuity in connection with the furnishing of physical therapy services. This paragraph does not prohibit the members of any regularly and properly organized business entity recognized by law and comprised of physical therapists from dividing fees received for professional services among themselves as they determine.

(m) Fails to adhere to the standards of ethics of the physical therapy profession established by board rule.

(n) Obtains or attempts to obtain a fee for physical therapy services by fraud or misrepresentation.

(o) Makes misleading, deceptive or fraudulent representations in the course of providing physical therapy services.

(p) Fails to report to the board, when the person has direct knowledge of an unprofessional, incompetent or illegal act that reasonably appears to be in violation of ORS 688.010 to 688.201 or any rules of the board.

(q) Interferes with an investigation or disciplinary proceeding of the board.

(r) Aids or abets a person who is not licensed in this state to practice physical therapy.

(s) Fails to maintain adequate patient records.

(t) Fails to maintain patient confidentiality.

(u) Provides treatment intervention that is not warranted by the patient's condition or continues treatment beyond the point of reasonable benefit to the patient.

(v) Provides physical therapy services or participates in physical therapy services solely for reasons of personal or institutional financial gain.

(w) Aids or causes another person, directly or indirectly, to violate ORS 688.010 to 688.201 or rules of the board, fraudulently uses or permits the use of a license number in any way, or acts with the intent to violate ORS 688.010 to 688.201 or rules of the board.

(3) To enforce the provisions of this section, the board is authorized to initiate an investigation and take the following actions:

(a) Receive complaints filed against persons and conduct timely investigations.

(b) Initiate its own investigation if the board has reason to believe that there may have been a violation of ORS 688.010 to 688.201.

(c) Issue a subpoena to compel the attendance of any witness or the production of any documentation relating to a matter under investigation. In addition to the board, the executive director or the executive director's designee may issue a subpoena. When the board, in the course of an investigation, requires the production of patient records for inspection and copying by subpoena, or otherwise, the records shall be produced without regard to whether patient consent has been obtained and without regard to any claim of confidentiality or privilege.

(d) Take the deposition of a witness, including a physical therapist or physical therapist assistant being investigated, in the manner provided by law in civil cases.

(e) Take emergency action to suspend a person's license or restrict the person's practice or employment pending proceedings by the board.

(f) Report to the appropriate district attorney all cases that, in the judgment of the board, warrant prosecution.

(g) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the

board has objectively reasonable grounds to believe that the person is or may be unable to practice physical therapy with reasonable skill and safety, with the results being reported to the board. The report shall not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person.

(4) If the board finds that the information received in a complaint or an investigation does not merit disciplinary action against a person, nondisciplinary actions may ensue. The board may then take the following actions:

(a) Dismiss the complaint.

(b) Issue a confidential advisory letter to the person that is nondisciplinary and that notifies the physical therapist or physical therapist assistant that certain conduct or practices must be modified or eliminated.

(5) The board may apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of ORS 688.010 to 688.201. Injunction proceedings are in addition to, and not in lieu of, penalties or other sanctions prescribed in ORS 688.010 to 688.201. [1959 c.461 §14; 1969 c.339 §15; 1971 c.585 §14; 1975 c.111 §11; 1979 c.744 §59; 1983 c.224 §5; 1985 c.41 §3; 1989 c.947 §2; 1993 c.211 §2; 1999 c.709 §1; 2005 c.627 §12]

688.145 Discipline procedure; review of orders; confidential information. (1) When the Physical Therapist Licensing Board proposes to impose any of the sanctions authorized in ORS 688.140, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS chapter 183.

(3) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175. [1971 c.734 §140; 1985 c.41 §4; 1997 c.791 §43]

688.150 [1959 c.461 §15; 1969 c.339 §16; 1971 c.585 §15; repealed by 1971 c.734 §21]

(State Board)

688.160 Physical Therapist Licensing Board; qualifications; terms; vacancies; duties; rules; fees; meetings; executive director. (1) The Physical Therapist Licensing Board shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying

out the provisions of ORS 688.010 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board shall consist of seven members appointed by the Governor who may be appointed from a list of not fewer than nine names, submitted by the Oregon Physical Therapy Association. Five members shall be physical therapists who are Oregon residents, possess unrestricted licenses to practice physical therapy in this state, have been practicing in this state for at least two years immediately preceding their appointments and have been practicing in the field of physical therapy for at least five years. One member shall be a licensed physical therapist assistant. One member shall be a public member who has an interest in consumer rights. All members shall have equal voting privileges.

(2) Upon the expiration of the term of a member of the board, the Governor shall appoint a successor who may be appointed from a list of three names submitted to the Governor by the Oregon Physical Therapy Association to serve a term of four years. A member may not serve for more than two consecutive four-year terms.

(3) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall appoint a person to fill the vacancy for the unexpired term. The person may be appointed from a list of three names submitted as provided in subsection (2) of this section. If requested by the board, the Governor may remove any member of the board for misconduct, incompetence or neglect of duty.

(4) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(5) A board member who acts within the scope of board duties, without malice and in reasonable belief that the member's action is warranted by law, is immune from civil liability.

(6) The board shall have power to:

(a) Establish matters of policy affecting administration of ORS 688.010 to 688.201;

(b) Provide for examinations for physical therapists and physical therapist assistants and adopt passing scores for the examinations;

(c) Adopt rules necessary to carry out and enforce the provisions of ORS 688.010 to 688.201;

(d) Establish standards and tests to determine the qualifications of applicants for

licenses to practice physical therapy in this state;

(e) Issue licenses to persons who meet the requirements of ORS 688.010 to 688.201;

(f) Adopt rules relating to the supervision and the duties of physical therapist aides who assist in performing routine work under supervision;

(g) Adopt rules establishing minimum continuing education requirements for all licensees;

(h) Exercise general supervision over the practice of physical therapy within this state;

(i) Establish and collect fees for the application or examination for, or the renewal, reinstatement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of a temporary permit under ORS 688.110; and

(j) Establish and collect fees to carry out and enforce the provisions of ORS 688.010 to 688.201.

(7) The board shall meet as determined by the board and at any other time at the call of the board chairperson, who shall be elected by the members of the board.

(8) The board may appoint and fix the compensation of an executive director and other staff as necessary to carry out the operations of the board.

(9) The board shall:

(a) Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the persons' names, current business and residential addresses, telephone numbers, electronic mail addresses and license numbers.

(b) Provide information to the public regarding the procedure for filing a complaint against a physical therapist or physical therapist assistant.

(c) Publish at least annually, and in a format or place determined by the board, final disciplinary actions taken against physical therapists and physical therapist assistants and other information, including rules, in order to guide physical therapists and physical therapist assistants regulated pursuant to ORS 688.010 to 688.201. [1959 c.461 §17; 1969 c.339 §17; 1971 c.585 §16; 1971 c.650 §38; 1973 c.792 §43; 1975 c.111 §12; 1985 c.41 §5; 1993 c.387 §1; 1999 c.1084 §26; 2005 c.627 §13]

688.170 [1959 c.461 §19; 1969 c.314 §88; 1971 c.585 §17; 1999 c.1084 §27; repealed by 2005 c.627 §18]

688.180 [1959 c.461 §20; 1969 c.339 §18; 1971 c.585 §18; 1975 c.111 §13; repealed by 2005 c.627 §18]

688.190 [1959 c.461 §21; 1969 c.339 §19; repealed by 1971 c.585 §23]

688.200 [1959 c.461 §24; 1961 c.593 §4; 1967 c.637 §33; 1971 c.585 §19; repealed by 1973 c.427 §33 (688.201 enacted in lieu of 688.200)]

688.201 Disposition of receipts. All moneys received under ORS 688.010 to 688.201 shall be paid into the account established by the Physical Therapist Licensing Board under ORS 182.470. Those moneys hereby are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 688.010 to 688.201. [1973 c.427 §34 (enacted in lieu of 688.200); 1999 c.1084 §28]

688.210 [1959 c.461 §23; 1969 c.339 §20; 1971 c.585 §20; 1975 c.111 §14; repealed by 2005 c.627 §18]

(Enforcement)

688.220 [1959 c.461 §22; 1971 c.585 §21; 1997 c.791 §44; 1999 c.59 §203; repealed by 2005 c.627 §18]

688.230 Report of suspected violation; confidentiality of report; liability of person reporting. (1) Any licensed health facility, licensed physical therapist, licensed physical therapist assistant, the Oregon Physical Therapy Association or physician licensed under ORS chapter 677, podiatric physician and surgeon or dentist shall, and any other person may, report suspected violations of ORS 688.010 to 688.201 to the Physical Therapist Licensing Board. The reports are confidential as provided under ORS 676.175.

(2) Any person who reports or provides information to the board under subsection (1) of this section and who provides information in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.41 §7; 1997 c.791 §45]

688.235 [1989 c.843 §14; repealed by 2005 c.627 §18]

**RADIOLOGIC TECHNOLOGISTS
AND RADIATION THERAPISTS**

(Generally)

688.405 Definitions for ORS 688.405 to 688.605. As used in ORS 688.405 to 688.605:

(1) “Approved school of radiologic technology” means a school of radiologic technology accredited by the Joint Review Committee on Education in Radiologic Technology or by a regional post-secondary accreditation body, whose graduates are qualified to sit for the American Registry of Radiologic Technologists examination.

(2) “Board” means the Board of Radiologic Technology established by ORS 688.405 to 688.605.

(3) “Diagnostic radiologic technologist” means a person other than a licensed practitioner who actually handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner.

(4) “Inactive status” means the status granted by the board to a licensee or limited permit holder who has notified the board of

the intent not to practice radiologic technology and of the desire to retain the right to reinstate the license or limited permit subject to board rule.

(5) “Licensed practitioner” means a person licensed or otherwise authorized by Oregon law to practice one of the healing arts.

(6) “License” means a license granted and issued by the board to practice radiologic technology.

(7) “Limited permit course of study” means a board approved set of didactical and clinical experience elements designed to prepare a student for obtaining practical experience and for passing the limited permit examination described in ORS 688.515.

(8) “Limited permit holder” means a person other than a radiation therapist or a diagnostic radiologic technologist who handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner and who has met the requirements of ORS 688.515.

(9) “Radiation oncologist” means a physician who is either certified or eligible for certification in therapeutic radiology by the American Board of Radiology or its equivalent or who is certified in general radiology by the American Board of Radiology and who devotes all professional time to the investigation and management of neoplastic disorders inclusive of teaching such investigation and management.

(10) “Radiation therapist” means a person, other than a licensed practitioner, who handles ionizing radiation in the process of applying radiation on a human being for therapeutic purposes under the supervision of a licensed practitioner.

(11) “Radiation therapy” means the use of ionizing radiation upon a human being for therapeutic purposes.

(12) “Radiologic technologist” means a person other than a licensed practitioner who practices radiologic technology as a:

- (a) Diagnostic radiologic technologist; or
- (b) Radiation therapist.

(13) “Radiologic technology” means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(14) “Radiologist” means a person duly licensed to practice medicine in the State of Oregon and who is certified by the American Board of Radiology or by the American Osteopathic Board of Radiology.

(15) “Supervision” means the act of monitoring the performance of diagnostic X-ray technology through periodic inspection, regardless of whether or not the supervising

licensed practitioner is continuously physically present during the performance of such diagnostic X-ray technology. [1977 c.534 §2; 1981 c.603 §6; 1999 c.517 §1]

688.415 License required to practice radiologic technology; prohibited acts. (1) No person shall:

(a) Practice radiologic technology if the person is not licensed in accordance with the provisions of ORS 688.405 to 688.605 or is not the holder of a permit issued under ORS 688.515;

(b) Practice radiologic technology under a false or assumed name;

(c) Knowingly employ any person for the purpose of practicing radiologic technology if that person is not licensed or does not hold a valid permit in accordance with the provisions of ORS 688.405 to 688.605;

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

(e) Knowingly make a false statement on an application for a license or permit or a renewal for a license.

(2) After January 1, 1979, no person shall practice radiologic technology or purport to be a radiologic technologist unless the person is licensed in accordance with the provisions of ORS 688.405 to 688.605 or holds a permit issued by the Board of Radiologic Technology. [1977 c.534 §§4(3),20]

688.425 Licensed persons may use title. (1) A person licensed in accordance with the provisions of ORS 688.405 to 688.605 may use the title of "Licensed Radiologic Technologist" or the letters "LRT." A person licensed as a radiologic technologist in the therapeutic field may use the title of "Licensed Radiation Therapy Technologist" or the letters "LRTT."

(2) No person shall use these titles or any abbreviation of these titles or any title which is substantially the same as these titles unless the person is authorized under subsection (1) of this section. [1977 c.534 §18]

688.435 Application of ORS 688.405 to 688.605. The provisions of ORS 688.405 to 688.605 shall not apply to the following persons:

(1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

(2) Students in approved schools of radiologic technology as defined in ORS 688.405 while practicing radiologic technology under the supervision of an instructor who is either a radiologist or a licensed radiologic technologist.

(3) A licensed practitioner or students in approved schools leading to licensure as a practitioner of one of the healing arts while practicing radiologic technology under the supervision of an instructor who is either a licensed practitioner or a licensed radiologic technologist. [1977 c.534 §15; 1979 c.449 §3; 1981 c.603 §5; 1993 c.247 §2; 1999 c.517 §2]

(Licensing)

688.445 Licensing and renewal procedure; fees. (1) The Board of Radiologic Technology shall issue a license to practice as a radiologic technologist in the State of Oregon to each person who meets the qualifications for licensure as provided in ORS 688.405 to 688.605. Such license shall state the category or categories for which the qualifications have been met, which include diagnostic radiologic technologist and radiation therapist.

(2) A license must be renewed every two years on the first day of the month of the anniversary date of the licensee's birthday.

(3) Any license that is not renewed as provided in subsection (2) of this section expires. The board may renew an expired license upon payment of a delinquent fee in an amount set by the board plus the biennial renewal fee. However, no such late renewal may be granted more than five years after a license has expired.

(4) A license shall be renewed upon application to the board which is accompanied by a fee in an amount set by the board.

(5) A license which has been expired for more than five years may be reissued only in the manner prescribed for an original license. [1977 c.534 §5; 1979 c.443 §1; 1989 c.214 §1; 1997 c.106 §1; 1997 c.367 §1; 1999 c.517 §3; 2005 c.151 §1]

688.455 License fee; general qualifications. The Board of Radiologic Technology shall license any person who makes an application in writing and pays a fee in an amount set by the board and who at that time:

(1) Is at least 18 years of age;

(2) Has successfully completed a four-year course of study in a secondary school approved by the board of education of the state in which the school is located or has passed an approved equivalency test; and

(3) Meets the requirements for licensing as described in ORS 688.465, 688.475 and 688.495. [1977 c.534 §6; 1979 c.443 §2; 1991 c.535 §1; 1997 c.367 §2]

688.465 Qualifications of radiologic technologist in diagnostic field. For licensure as a radiologic technologist in the diagnostic field, an applicant must be currently certified by the American Registry of

Radiologic Technologists (ARRT) in X-ray technology. [1977 c.534 §7; 1981 c.603 §1; 1999 c.517 §4; 2005 c.151 §2]

688.475 Qualifications of radiologic technologist in therapeutic field. For licensure as a radiologic technologist in the therapeutic field, an applicant must be currently certified by the American Registry of Radiologic Technologists (ARRT) in radiation therapy. [1977 c.534 §8; 1981 c.603 §2; 1999 c.517 §5; 2005 c.151 §3]

688.480 Operator of certain tomography equipment to be certified. (1) Persons who operate computed tomography equipment not involving the use of radionuclides for diagnostic purposes must be certified by the American Registry of Radiologic Technologists.

(2) Persons who operate computed tomography equipment combined with a positron emission tomography imaging system for diagnostic purposes shall adhere to rules adopted by the Board of Radiologic Technology. [1979 c.449 §6; 2005 c.151 §4]

688.485 Examinations; fees. (1) The Board of Radiologic Technology may conduct one or more examinations each year at such times and places as the board may determine.

(2) An applicant who fails to pass an examination may take additional examinations scheduled by the board. A fee shall be charged for examinations as determined by the board. [1977 c.534 §11]

688.495 Licensing without examination. The Board of Radiologic Technology may license as a radiologic technologist, without examination, any person who:

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

(2) On the date of making application is a radiologic technologist under the laws of any other state, territory of the United States or nation, if the requirements for licensure in that state, territory or nation are not less than those required under ORS 688.405 to 688.605 and the applicant passed a written examination in that state, territory or nation that is comparable to the examination required in this state for the category or categories for which licensure is sought. [1977 c.534 §10; 1981 c.603 §3]

688.505 Evidence of continuing education on renewal. The Board of Radiologic Technology shall require each person holding a license or permit under ORS 688.405 to 688.605 to submit, at the time the person submits the biennial renewal fee, evidence of continuing education in radiologic technology pursuant to rules of the board. Continuing education must be pertinent to the subject area of radiologic technology for

which the license or permit was issued. Evidence of current American Registry of Radiologic Technologists certification may be used as valid documentation of continuing education required by this section. [1977 c.534 §12; 1985 c.325 §1; 1989 c.214 §2; 1999 c.517 §6]

688.515 Limited permit; temporary license; X-ray bone densitometry operator permit; fees; qualifications. (1) The Board of Radiologic Technology shall issue a limited permit to an applicant to practice in a limited area of radiologic technology if such applicant meets the requirements for a limited permit as provided in this section. Such limited permit shall state the category or categories for which the applicant has demonstrated competence and shall be limited to one of the categories listed below or as established by the board by rule:

- (a) Upper extremities;
- (b) Pelvis or lower extremities, or both;
- (c) Chest and ribs;
- (d) Spine;
- (e) Head;
- (f) Abdomen; or
- (g) Foot and ankle for podiatric use.

(2) Limited permits shall not be issued for contrast studies or special head studies such as tomography.

(3) Each applicant for a limited permit shall:

- (a) Make an application in writing;
- (b) Pay an application fee in an amount set by the board;
- (c) Be at least 18 years of age;
- (d) Have successfully passed a board-approved course of instruction in radiation use and safety consisting of the number of hours of instruction required by the board by rule;

(e) Have successfully completed a course of instruction approved by the board and taught by a board-approved, licensed, registered radiologic technologist in laboratory practice specific to each category for which the applicant seeks a limited permit, with the instructor's certifying to the board that the applicant has completed the course in those categories applied for;

(f) Have successfully completed a practical experience program approved by the board, specific to each category for which the applicant seeks a limited permit. Such program shall include operation of an energized X-ray machine under the supervision of a registered radiologic technologist;

(g) Have paid the examination fee set by board rule to reflect the actual cost of the examination; and

(h) Have successfully passed an oral or written examination, or both, conducted by or approved by the board in radiation use and safety and in those categories in which the applicant seeks a limited permit.

(4) Upon meeting the requirements of this section, the board shall issue a limited permit to the applicant. A limited permit shall be renewed every two years on the first day of the month of the anniversary date of the permittee's birthday subject to ORS 688.505 and payment of a fee in an amount set by the board. Any limited permit that is not renewed as provided in this subsection expires. The board may renew any expired limited permit upon payment of a delinquent fee in an amount set by the board plus the biennial renewal fee.

(5) Every person issued a limited permit shall notify the board in writing of the name of each licensed practitioner supervising permittee's performance of diagnostic X-ray technology and shall only perform diagnostic X-ray technology while being supervised by a licensed practitioner. In the event permittee subsequently is supervised by a licensed practitioner other than the person whose name was initially furnished to the board, the board shall be immediately notified in writing.

(6) A temporary license or limited permit may be issued by the board without examination to a graduate of or a student enrolled in an approved school of radiologic technology or limited permit course of instruction upon application and payment of a registration fee in an amount set by the board if the person practices as a diagnostic radiologic technologist or radiation therapist under the supervision of a licensed practitioner. A temporary license or limited permit is valid for a period of six months and may be renewed by the board for one six-month period only.

(7) At the discretion of the board a temporary limited permit may be issued by the board without examination to a person upon application and payment of a registration fee in an amount set by the board if the person practices diagnostic radiologic technology under the supervision of a licensed practitioner and if the person is enrolled in an approved course of instruction in radiation use and safety. Such a temporary limited permit shall be valid for a period of three months and shall not be renewed by the board except as provided under subsection (6) of this section.

(8) In addition to the temporary license or limited permit authorized by this section, the board may authorize a permit authorizing its holder to be an X-ray bone densitometry operator. The operator must meet standards

of training established by the board by rule. The applicant shall pay a nonrefundable fee fixed by the board and the permit may be issued for a period of two years and may be renewed upon payment of a fixed renewal fee. [1977 c.534 §14; 1979 c.443 §4; 1979 c.449 §1; 1981 c.603 §4; 1985 c.325 §2; 1989 c.214 §3; 1989 c.337 §1; 1991 c.535 §2; 1993 c.247 §3; 1995 c.124 §1; 1997 c.106 §2; 1997 c.367 §3; 1999 c.517 §7; 1999 c.522 §1]

688.520 Licenses and permits for periods other than 24 months. The Board of Radiologic Technology may issue licenses and permits for periods other than 24 months. The fee for a license or permit issued for any period other than 24 months shall be prorated on a monthly basis. [1991 c.535 §4; 1997 c.106 §3]

688.525 Grounds for discipline; investigation of complaints; confidential information. (1) The Board of Radiologic Technology, after notice of and hearing as required under the contested case procedures of ORS chapter 183, may refuse to license any applicant, may refuse to renew the license or permit of any radiologic technologist or may suspend or revoke the license or permit of a person who:

(a) Is chemically dependent.

(b) In the judgment of the board is guilty of unethical or unprofessional conduct in the practice of radiologic technology.

(c) Has been convicted of any crime where the crime bears a demonstrable relationship to the practice of radiologic technology.

(d) In the judgment of the board, is guilty of gross negligence in the practice of radiologic technology.

(e) Has been adjudged incompetent by a court of law and thereafter has not been lawfully declared competent.

(f) Has undertaken to act as a radiologic technologist independently of the supervision of a practitioner licensed by the State of Oregon to practice one of the healing arts.

(g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by fraud or material misrepresentation.

(2) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall conduct an investigation as described under ORS 676.165.

(3) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175. [1977 c.534 §28; 1979 c.744 §60; 1993 c.247 §4; 1997 c.791 §46; 1999 c.517 §8]

(State Board)

688.545 Board of Radiologic Technology; qualifications; advisory member; term; compensation and expenses; officers; meetings; quorum. (1)(a) There is created in the Department of Human Services a Board of Radiologic Technology consisting of nine members who shall be appointed by the Governor. Each member of the board shall be a citizen of the United States and a resident of the State of Oregon. Each appointed member is entitled to vote.

(b) Of the members of the board:

(A) One shall be a radiologist;

(B) At least one shall be a lay person;

(C) At least one shall be a limited permit holder; and

(D) At least five shall be licensed practicing radiologic technologists, one of whom shall be a radiation therapist.

(2) The section manager of the Radiation Protection Services Section of the Department of Human Services, or a person appointed by the section manager, shall be an advisory member of the board for the purpose of providing counsel and shall not be entitled to vote.

(3) The term of office of the members of the board shall be three years and a member may be reappointed to serve not more than two full terms.

(4) Members of the board shall be entitled to compensation and expenses as provided in ORS 292.495.

(5) The board shall annually elect a board chairperson and a vice chairperson from the members of the board.

(6) For the purpose of transacting its business, the board shall meet at least once every three months at times and places designated by resolution. Special meetings may also be held at such times as the board may elect or at the call of the chairperson. Notification of the time, place and purpose of any special meeting shall be sent to all members of the board at least 15 days before the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

(7) Five members of the board shall constitute a quorum for the transaction of business at any meeting. Five affirmative votes shall be required to take action. [1977 c.534 §3; 1979 c.449 §4; 1999 c.517 §9; 2005 c.307 §1]

688.555 Rulemaking; executive officer.

(1) The Board of Radiologic Technology shall have the power to adopt such rules as may be necessary to carry out the provisions of ORS 688.405 to 688.605.

(2) In adopting rules, the board shall act with benefit of the advice of the Attorney General of the State of Oregon.

(3) The board may appoint and fix the compensation of an executive officer subject to ORS 240.245 and include reimbursement for actual and necessary travel expenses incurred in the performance of the duties of the officer. [1977 c.534 §4(1),(2),(4); 1999 c.517 §10]

688.557 Authority of board to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Board of Radiologic Technology may require the fingerprints of a person who:

(1) Is applying for a license, or renewal of a license, under ORS 688.415;

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

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

(3) Is under investigation by the board pursuant to ORS 688.525. [2007 c.619 §5]

Note: 688.557 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

688.560 Fees for services; rules. The Board of Radiologic Technology by rule shall establish and collect reasonable fees for the following services:

(1) Administration of limited permit examinations.

(2) Special interpretation of examination results.

(3) Duplication of permits and wall certificates.

(4) Reproduction of records.

(5) Licensing and permitting. [1993 c.247 §6; 1997 c.367 §4; 1999 c.517 §11]

Note: 688.560 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 688 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

688.565 Program of continuing education. The Board of Radiologic Technology shall approve programs of continuing education in radiologic technology to meet the requirements of ORS 688.505. [1977 c.534 §13; 2005 c.151 §5]

688.575 [1977 c.534 §§16, 17; 1979 c.449 §2; repealed by 1981 c.603 §8]

688.585 Board of Radiologic Technology Account. (1) The Board of Radiologic Technology Account is established in the State Treasury, separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, contributions and other moneys received by the Board of Radiologic Technology shall be paid into the State Treasury and credited to the account. All moneys in the account are continuously appropriated to the board to be used by the board for purposes of ORS 688.405 to 688.605. Any interest or other income from moneys in the account shall be credited to the account.

(2) The board shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program for which each withdrawal is charged. [1977 c.534 §23; 2005 c.726 §15]

(Enforcement)

688.595 Enforcement and inspections.

The section manager of the Radiation Protection Services Section of the Department of Human Services shall enforce the provisions of ORS 688.405 to 688.605 and shall conduct, under the direction of the Board of Radiologic Technology, inspections in furtherance of the purposes of ORS 688.405 to 688.605. [1977 c.534 §19; 2005 c.307 §3]

688.600 Investigation of alleged violations; power of board; subpoenas. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Board of Radiologic Technology may investigate any alleged violation of ORS 688.405 to 688.605.

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

(a) Take evidence;

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

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

(d) Require answers to interrogatories; and

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

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon. [1989 c.843 §10]

688.605 Duty to report violation; confidentiality; procedure on claims of violation. (1) Any radiologic technologist, any person licensed by the Board of Radiologic Technology or any other organization representing radiologic technologists shall, and any other person may, report to the board any suspected violation of ORS 688.405 to 688.605 or any rule adopted pursuant to ORS 688.555.

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

(3) Any person who reports or provides information to the board and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

(4) A claim of a violation of ORS 688.405 to 688.605 shall be reported to the board and shall be substantiated by satisfactory evidence. If the board finds that a violation has occurred, the board shall, subject to the conditions of ORS 676.175, report the violation to the Attorney General for prosecution. [1977 c.534 §22; 1993 c.247 §5; 1997 c.791 §47]

HEMODIALYSIS TECHNICIANS

688.625 Definitions for ORS 688.625 to 688.665. As used in ORS 688.625 to 688.665:

(1) "Dialysis facility or center" means a place awarded conditional or unconditional status by the federal Centers for Medicare and Medicaid Services.

(2) "End stage renal disease" means a condition that requires either the replacement of kidney functions through renal transplantation or the permanent assistance of those functions through dialysis.

(3) "Hemodialysis technician" means a person certified by the Department of Human Services under ORS 688.650. [1997 c.580 §1; 2003 c.14 §436]

688.630 Practice of hemodialysis by uncertified practitioner prohibited. After January 1, 2000, it is unlawful:

(1) For any person to act as a hemodialysis technician without being certified by the Department of Human Services.

(2) For any dialysis facility or center to authorize a person to act for it as a hemodialysis technician without being certified by the department. [1997 c.580 §2]

688.635 Scope of practice of hemodialysis technician; rules. (1) A person certified as a hemodialysis technician may, under the direct supervision of a physician licensed under ORS chapter 677 or a registered nurse licensed under ORS 678.010 to 678.410, perform functions as determined by rules adopted by the Department of Hu-

man Services, in consultation with the Oregon Medical Board and the Oregon State Board of Nursing.

(2) A hemodialysis technician shall not:

(a) Administer medications by oral, intramuscular, intravenous or subcutaneous means except as specified under rules adopted by the department pursuant to subsection (1) of this section.

(b) Determine the frequency, duration or nature of dialysis treatments or alter any treatment prescribed by a licensed health professional.

(c) Engage in any health care activity requiring a license except as authorized under rules adopted by the department pursuant to subsection (1) of this section. [1997 c.580 §3]

688.640 Application for certificate; rules. (1) For any person to be certified as a hemodialysis technician, an application for certification shall be made to the Department of Human Services. The application shall be upon forms prescribed by the department and shall contain:

(a) The name and address of the applicant.

(b) The name and location of the training course successfully completed by the applicant and the date of completion and, if an extended period of time has elapsed since the completion of the training, of the required amount of continuing education.

(c) Such other information as the department may reasonably require to determine compliance with applicable provisions of ORS 688.625 to 688.665 and the rules adopted thereunder.

(2) The department, in consultation with the Oregon Medical Board and the Oregon State Board of Nursing, shall adopt rules establishing initial training and continuing education requirements. [1997 c.580 §4]

688.645 Fees. (1) An initial application fee shall be submitted with the application for hemodialysis technician certification. If the applicant is taking an examination administered by the Department of Human Services, an additional fee shall be charged for the examination.

(2) The department may charge a fee for late renewal of a certificate and for issuance of any duplicate certificate.

(3) Subject to the review of the Oregon Department of Administrative Services, the fees and charges established under this section shall not exceed the cost of administering the certification program of the Department of Human Services pertaining to the purpose for which the fee or charge is

established, as authorized by the Legislative Assembly for the Department of Human Services' budget, as the budget may be modified by the Emergency Board.

(4) All moneys received by the department under ORS 688.625 to 688.665 shall be paid into the General Fund in the State Treasury and placed to the credit of the department account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 688.625 to 688.665. [1997 c.580 §5; 1999 c.59 §204]

688.650 Qualifications for certification; temporary or provisional certificates; continuing education; certificate expiration; rules. (1) When application has been made as required under ORS 688.640, the Department of Human Services shall certify the applicant as a hemodialysis technician if it finds:

(a) The applicant has successfully completed the training requirement adopted by the department.

(b) A fee has been paid to the department pursuant to ORS 688.645.

(c) The applicant has successfully completed an examination administered by the department or administered by another public or private entity and approved by the department.

(d) The applicant meets any other requirements prescribed by rule of the department.

(2) The department may provide for the issuance of a temporary or provisional certification for a person to practice as a hemodialysis technician until the person has taken and passed the next held certification examination available to the person and has received a certificate. The department may impose any conditions or limitations on a temporary or provisional certificate that the department considers reasonable and necessary to protect the public. A temporary or provisional certificate may be held only by a person who:

(a) Has not received a failing grade on a certification examination approved or administered by the department; and

(b)(A) Has successfully completed the initial training required by department rule; or

(B) Is currently working in this or another state as a hemodialysis technician and is enrolled in a program offering the initial training required by department rule.

(3) Each person holding a certificate under this section shall submit, at the time of application for renewal of the certificate to the department, evidence of the applicant's satisfactory completion of any continuing ed-

ucation requirements prescribed by rule by the department.

(4) The department shall prescribe criteria and approve programs of continuing education.

(5) Each certification issued under this section, unless sooner suspended or revoked, shall expire and be renewable after a period of two years. Each certificate must be renewed on or before June 30 of every second year or on or before such date as may be specified by department rule. The department by rule shall establish a schedule of certificate renewals under this subsection and shall prorate the fees to reflect any shorter certificate period. [1997 c.580 §6; 2007 c.768 §50]

688.655 Grounds for denying, suspending or revoking certificate; investigation; duty to report; confidential information; liability of person who reports. (1) The certification of a hemodialysis technician may be denied, suspended or revoked in accordance with the provisions of ORS chapter 183 for any of the following:

(a) Failure to complete continuing education requirements.

(b) The use of fraud or deception in receiving a certificate.

(c) Habitual or excessive use of intoxicants or drugs.

(d) The presence of a mental disorder that demonstrably affects a technician's performance, as certified by two psychiatrists retained by the Department of Human Services.

(e) Conviction of a criminal offense that the department considers reasonably related to the fitness of the person to practice hemodialysis.

(f) Suspension or revocation of a hemodialysis technician certificate issued by another state.

(g) Gross negligence or repeated negligence in rendering hemodialysis care.

(h) Any reason identified by department rule as rendering the applicant unfit to perform the duties of a hemodialysis technician.

(2) The department may investigate any evidence that appears to show that a hemodialysis technician certified by the department is or may be medically incompetent or is or may be guilty of unprofessional or dishonorable conduct or is or may be mentally or physically unable to safely function as a hemodialysis technician.

(3) Any dialysis facility or center, any hemodialysis technician certified under ORS 688.650, any physician licensed under ORS chapter 677 or any registered nurse licensed under ORS 678.010 to 678.410 shall report to

the department any information the person may have that appears to show that a hemodialysis technician is or may be medically incompetent or is or may be guilty of unprofessional or dishonorable conduct or is or may be mentally or physically unable to safely function as a hemodialysis technician.

(4) Information provided to the department pursuant to this section is confidential and shall not be subject to public disclosure, nor shall it be admissible as evidence in any judicial proceeding.

(5) Any person who reports or provides information to the department under this section and who provides information in good faith shall not be subject to an action for civil damage as a result thereof. [1997 c.580 §7]

688.660 Grounds for discipline of certificate holder; civil penalty; assessment of disciplinary proceeding cost. (1) The Department of Human Services may discipline a person certified as a hemodialysis technician who has:

(a) Admitted the facts of a complaint alleging the person is guilty of violation of one or more of the grounds for suspension or revocation of a certificate as set forth in ORS 688.655.

(b) Been found guilty in accordance with ORS chapter 183 of violation of one or more of the grounds for suspension or revocation of certification as set forth in ORS 688.655.

(2) In disciplining a technician, the department may use any or all of the following methods:

(a) Suspend judgment.

(b) Place the technician on probation.

(c) Suspend the technician's certificate.

(d) Revoke the technician's certificate.

(e) Place limitations on the ability of the technician to practice hemodialysis in this state.

(f) Take such other disciplinary action as the department in its discretion finds proper, including assessment of the costs of the disciplinary proceedings, not to exceed \$1,000, as a civil penalty or assessment of a civil penalty not to exceed \$1,000.

(3) In addition to the action authorized by subsection (2) of this section, the department may temporarily suspend a certificate or license without a hearing, simultaneously with the commencement of proceedings under ORS chapter 183, if the department finds that evidence in its possession indicates that a continuation in practice of the technician constitutes an immediate danger to the public.

(4) If the department places a technician on probation, the department may determine,

and may at any time modify, the conditions of the probation and may include among them any reasonable condition for the purpose of protection of the public and for the purpose of the rehabilitation of the technician. Upon expiration of the term of probation, further proceedings shall be abated if the technician has complied with the terms of the probation.

(5) Civil penalties under this section shall be imposed as provided in ORS 183.745. [1997 c.580 §8]

688.665 Rules. The Department of Human Services shall adopt rules that the department considers necessary and proper to enforce ORS 688.625 to 688.665. [1997 c.580 §9]

ATHLETIC TRAINERS

688.700 [1993 c.744 §253; 1995 c.449 §8; repealed by 1999 c.736 §16]

688.701 Definitions for ORS 688.701 to 688.734. As used in ORS 688.701 to 688.734:

(1) "Athlete" means any individual participating in fitness training and conditioning, sports or other competitions, practices or activities requiring physical strength, agility, flexibility, range of motion, speed or stamina, generally conducted in association with an educational institution, or professional or amateur sports activity.

(2) "Athletic injury" means an injury occurring as the result of participating as an athlete.

(3) "Board" means the Board of Athletic Trainers.

(4) "Practice athletic training" means the application by a registered athletic trainer of principles and methods of:

- (a) Prevention of athletic injuries;
- (b) Recognition, evaluation and immediate care of athletic injuries;
- (c) Rehabilitation and reconditioning of athletic injuries;
- (d) Health care administration; and
- (e) Education and counseling.

(5) "Registered athletic trainer" means a person who is registered in accordance with ORS 688.720. [1999 c.736 §1]

688.705 Board of Athletic Trainers; appointment; membership; terms. (1) There is created in the Oregon Health Licensing Agency the Board of Athletic Trainers, consisting of five members appointed by the Director of the Oregon Health Licensing Agency. In making appointments to the board, the director must take into consideration any nominations received from professional organizations of athletic trainers that are based in Oregon.

(2) Of the membership of the Board of Athletic Trainers:

(a) All members must be citizens of this state.

(b) Three members must be athletic trainers who have practiced continuously in this state for the three years prior to the date of appointment.

(c) One member must be a member of the general public who is not an athletic trainer.

(d) One member must be a physician licensed under ORS chapter 677.

(3) The term of office for each member of the board is four years. A member is eligible for reappointment, but no member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board may be removed by the director for neglect of duty, incompetence or unethical conduct.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1999 c.736 §2; 2005 c.648 §15]

688.707 Officers; quorum; meetings. (1) The Board of Athletic Trainers shall elect one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The Board of Athletic Trainers shall meet at least once each year at a time and place determined by the Oregon Health Licensing Agency. [1999 c.736 §3; 2005 c.648 §16]

688.709 Board duties; rules. The Board of Athletic Trainers shall:

(1) Advise the Oregon Health Licensing Agency about the adoption of rules necessary for the administration of ORS 688.701 to 688.734.

(2) Determine training and education requirements for registration as described in ORS 688.720.

(3) Determine qualifications and documentation required for registrations, permits, temporary registrations and waivers.

(4) Determine requirements for reciprocity and equivalency for the practice of athletic training.

(5) Establish a code of professional responsibility and standards of practice for registered athletic trainers.

(6) Develop, approve or recognize a written examination to test an applicant's know-

ledge of the basic and clinical sciences relating to athletic training techniques and methods and any other subjects the board may determine to be necessary to assess an applicant's fitness to practice athletic training.

(7) Establish standards for acceptable performance, including but not limited to a passing score on the approved or recognized competency examination.

(8) Establish continuing education requirements for renewal of registration.

(9) Establish policies and criteria for the assessment of the quality of the practice of athletic trainers.

(10) Adopt rules that include provisions describing procedures, when appropriate, for collaboration between athletic trainers and physicians licensed pursuant to ORS chapter 677. [1999 c.736 §4; 2005 c.648 §17]

688.715 Authority of Oregon Health Licensing Agency; rules; fees; investigations. The Oregon Health Licensing Agency is granted authority to carry out the following duties:

(1) Adopt rules that are necessary to conduct business, carry out duties and administer the provisions of ORS 688.701 to 688.734.

(2) Issue registrations, including temporary registrations, permits, waivers and other authorizations to practice athletic training as determined by the Board of Athletic Trainers.

(3) Establish and collect fees and charges to carry out its legal responsibilities.

(4) Authorize all necessary disbursements to carry out the provisions of ORS 688.701 to 688.734, including but not limited to payment for necessary supplies, office equipment, books and expenses for the conduct of examinations, payment for legal and investigative services rendered to the agency and such other expenditures as are provided for in ORS 688.701 to 688.734.

(5) Employ inspectors, examiners, special agents, investigators, clerical assistants and accountants as are necessary for the investigation and prosecution of alleged violations and the enforcement of ORS 688.701 to 688.734, and for such other purposes as the agency may require. Nothing in ORS 688.701 to 688.734 shall be construed to prevent assistance being rendered by an employee of the agency in any hearing called by it. However, all obligations for salaries and expenses incurred under ORS 688.701 to 688.734 shall be paid only from the fees accruing to the agency under ORS 688.701 to 688.734.

(6) The agency shall provide the board with such administrative services and employees as the board requires to carry out its duties.

(7) Maintain an accurate record of all proceedings of the board and of all its meetings, receipts and disbursements, fines and orders for violation of ORS 688.701 to 688.734, records for registration to practice athletic training together with the addresses of those registered, and the names of all persons whose registration has been subject to disciplinary action.

(8) Investigate complaints, take disciplinary action, including assessment of civil fines, and provide opportunity for hearing according to ORS 183.745.

(9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out duties of the board granted under ORS 688.701 to 688.734. [1999 c.736 §5; 2001 c.104 §263; 2005 c.648 §18]

688.718 Registration required; exceptions. (1) A person may not practice athletic training or claim to be a registered athletic trainer unless the person is registered under ORS 688.720.

(2) Nothing in ORS 688.701 to 688.734 is intended to:

(a) Limit, preclude or otherwise interfere with the practices of health care providers or other persons licensed or registered in this state under any other statutes, or prevent health care providers or other persons from engaging in the profession or occupation for which the health care provider or person is licensed or registered;

(b) Prevent any person from practicing athletic training if the person is employed as an athletic trainer by the federal government or any of its agencies;

(c) Preclude any person from pursuing a supervised course of study leading to a degree or registration as an athletic trainer in an accredited or approved educational program if the person is identified by a title that clearly indicates student or trainee status;

(d) Prevent any person from completing any supervised practical experience requirements established by the Board of Athletic Trainers by rule; or

(e) Prohibit any person from performing athletic training services in this state for purposes of continuing education, consulting or training if the services are performed for no more than 60 days in any calendar year and are performed in association with a registered athletic trainer if the person is:

(A) Registered or licensed and in good standing as an athletic trainer in another state; or

(B) Certified by and in good standing as an athletic trainer with the National Athletic Trainers Association Board of Certification.

(3) Nothing in ORS 688.701 to 688.734 shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers. [1999 c.736 §6]

688.720 Requirements for registration.

An applicant for registration as an athletic trainer under ORS 688.701 to 688.734 shall be issued a registration if the applicant has:

(1) Provided to the Board of Athletic Trainers adequate proof of receipt of a bachelor's degree from an accredited four-year college or university and has met the minimum athletic training curriculum requirements established by the Board of Athletic Trainers and adopted by rule;

(2) Successfully completed the certification examination administered by the National Athletic Trainers Association Board of Certification or equivalent examination approved or recognized by the Board of Athletic Trainers;

(3) Completed any other requirements for registration as determined by the Board of Athletic Trainers and adopted by rule;

(4) Submitted to the Board of Athletic Trainers adequate documentation that the applicant is at least 18 years of age; and

(5) Paid all fees required for registration. [1999 c.736 §8; 2003 c.547 §9]

688.724 Registration renewal; late renewal; reinstatement. (1) An athletic trainer registration is issued for a one-year period. All registrations shall expire on the last day of the month, one year from the date of issuance.

(2) The filing of a registration renewal form is the responsibility of the registrant. The registrant must submit to the Board of Athletic Trainers a completed renewal application, required renewal fee and presentation of evidence, satisfactory to the board, of having completed any required continuing education credits prior to the renewal or expiration date of the registration as specified by rule.

(3) Requirements for late renewal and reinstatement of an expired or lapsed registration shall be determined by the board as specified by rule.

(4) The Oregon Health Licensing Agency may refuse to grant or renew the registration

of an athletic trainer whose registration has been denied, suspended, revoked or lapsed for up to one year from the date of the denial of registration or renewal, or the date of the order of suspension or revocation.

(5) The agency may vary the date of registration renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee. [1999 c.736 §9; 2005 c.648 §19]

688.728 Fees; rules; disposition of receipts. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees related to athletic trainers for:

(a) Application for athletic trainer registrations, permits and waivers;

(b) Athletic trainer registration;

(c) Renewal of athletic trainer registration;

(d) Temporary practice registration;

(e) Examinations and reexaminations;

(f) Reinstatement;

(g) Delinquency in renewal of a registration;

(h) Duplication;

(i) Reciprocity; and

(j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the agency under subsection (1) of this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency only for the administration and enforcement of ORS 688.701 to 688.734.

(3) The fees established by the agency under this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees shall not exceed the cost of administering ORS 688.701 to 688.734, pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the budget of the agency, as that budget may be modified by the Emergency Board. [1999 c.736 §10; 1999 c.885 §50b; 2003 c.547 §10; 2005 c.648 §20]

688.730 Use of title. (1) A person who is a registered athletic trainer under ORS 688.701 to 688.734 may use the title "Athletic Trainer, Registered" and the abbreviation "ATR."

(2) A person who is a registered athletic trainer under ORS 688.701 to 688.734 and who is certified by the National Athletic Trainers Association Board of Certification may use the title "Athletic Trainer,

Certified/Registered” and the abbreviation “ATC/R.” [1999 c.736 §7]

688.734 Disciplinary authority of Oregon Health Licensing Agency. In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Athletic Trainers, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person practicing athletic training for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 688.701 to 688.734 or the rules adopted thereunder. [2003 c.547 §11; 2005 c.648 §22]

RESPIRATORY THERAPISTS

688.800 Definitions for ORS 688.800 to 688.840. As used in ORS 688.800 to 688.840:

(1) “Board” means the Respiratory Therapist Licensing Board, established within the Oregon Health Licensing Agency.

(2) “Qualified medical director” means the medical director of any inpatient or outpatient respiratory care service, department or home care agency who is a physician licensed by the State of Oregon and who has special interest and knowledge in the diagnosis and treatment of respiratory problems.

(3) “Respiratory care” means the treatment, management, diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system in accordance with the prescription of a licensed physician and under a qualified medical director. “Respiratory care” includes, but is not limited to:

(a) Direct and indirect respiratory care services, including but not limited to the administration of pharmacological, diagnostic and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative or diagnostic regimen prescribed by a physician;

(b) Transcription and implementation of the written or verbal orders of a physician pertaining to the practice of respiratory care;

(c) Observing and monitoring signs and symptoms, reactions, general behaviors, general physical responses to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, general behaviors or general physical responses exhibit abnormal characteristics;

(d) Implementation based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment, pursuant to a prescription by a person authorized to practice medicine under the laws of this state; and

(e) The initiation of emergency procedures under the rules of the board or as otherwise permitted under ORS 688.800 to 688.840.

(4) “Respiratory care practitioner” means a person licensed under ORS 688.800 to 688.840.

(5) “Respiratory care services” means cardiopulmonary care services rendered in accordance with the prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of the following:

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

(b) Environmental control mechanisms and hyperbaric therapy;

(c) Pharmacologic agents related to respiratory care procedures;

(d) Mechanical or physiological ventilatory support;

(e) Bronchopulmonary hygiene;

(f) Cardiopulmonary resuscitation;

(g) Maintenance of the natural airway;

(h) Maintenance of artificial airways;

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

(j) Hemodynamic and other related physiologic measurements of the cardiopulmonary system. [1997 c.792 §1; 1999 c.885 §32; 2005 c.648 §42]

688.805 Practice of respiratory care by unlicensed practitioner prohibited; exceptions; practice requirements. (1) No person shall practice respiratory care or claim to be a respiratory care practitioner unless the person is licensed under ORS 688.800 to 688.840.

(2) Nothing in ORS 688.800 to 688.840 is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of this state.

(3) Nothing in ORS 688.800 to 688.840 prohibits:

(a) The practice of respiratory care by students enrolled in a respiratory care education program approved by the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education or their successors or

equivalent organizations, as approved by the board.

(b) Self-care by a patient, or gratuitous care by a friend or family member who does not claim to be a respiratory care practitioner.

(c) Respiratory care services rendered in the course of an emergency.

(4) Persons in the military services or working in federal facilities are exempt from the provisions of ORS 688.800 to 688.840 when functioning in the course of assigned duties.

(5) Nothing in ORS 688.800 to 688.840 is intended to permit the practice of medicine by a person licensed to practice respiratory care unless the person is also licensed to practice medicine.

(6) The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place considered appropriate or necessary by the Respiratory Therapist Licensing Board in accordance with the prescription or verbal order of a physician and shall be performed under a qualified medical director. [1997 c.792 §7]

688.810 Use of title. A person holding a license to practice respiratory care in this state may use the title "Licensed Respiratory Care Practitioner" and the abbreviation "LRCP." [1997 c.792 §8]

688.815 Application for license; examination; license by endorsement. (1) An applicant for a license to practice respiratory care shall submit to the Oregon Health Licensing Agency written evidence that the applicant:

(a) Is at least 18 years of age;

(b) Has completed an approved four-year high school course of study or the equivalent as determined by the appropriate educational agency; and

(c) Has completed a respiratory care education program approved by the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education or their successors or equivalent organizations, as approved by the Respiratory Therapist Licensing Board.

(2) The applicant shall be required to pass an examination, whereupon the agency may issue to the applicant a license to practice respiratory care.

(3) The agency may choose to issue a license to practice respiratory care by endorsement to:

(a) An applicant who is currently licensed to practice respiratory care under the laws of another state, territory or country if

the qualifications of the applicant are considered by the agency to be equivalent to those required in this state; or

(b) An applicant holding a credential conferred by the National Board for Respiratory Care as a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or both, providing the credential has not been suspended or revoked. [1997 c.792 §6; 2001 c.40 §1; 2003 c.547 §32; 2005 c.21 §9; 2005 c.648 §43]

688.817 [2001 c.40 §5; repealed by 2003 c.547 §118]

688.818 [2001 c.40 §6; repealed by 2003 c.547 §118]

688.820 Respiratory Therapist Licensing Board; qualification of members; terms. (1) There is established within the Oregon Health Licensing Agency the Respiratory Therapist Licensing Board, consisting of five members appointed by the Governor.

(2) The term of office of each member of the board is four years. A member is eligible for reappointment, but no member shall serve more than two full terms. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The members of the board must be citizens of this state who have engaged in the practice of respiratory care for a period of five or more years immediately preceding appointment to the board. In making appointments to the board, the Governor shall take into consideration any nominations received from the Oregon Society for Respiratory Care, or its successor.

(4) A member of the board may be removed by the Governor for neglect of duty, incompetency or unethical or dishonorable conduct.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1997 c.792 §2; 1999 c.885 §33; 2005 c.648 §44]

688.825 Selection of board chairperson; quorum; meetings. (1) The Respiratory Therapist Licensing Board shall select one of its members as chairperson and another as vice chairperson, for those terms and with duties and powers necessary for the performance of the functions of those offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at times and places specified by the call of the chairperson or of a majority of the members of the board. [1997 c.792 §3]

688.830 Duties of Oregon Health Licensing Agency and of board; rules. (1) The Oregon Health Licensing Agency shall:

(a) Determine the qualifications and fitness of applicants for licensure, renewal of license and reciprocal licenses under ORS 688.800 to 688.840.

(b) Adopt rules that are necessary to conduct its business related to, carry out its duties under and administer ORS 688.800 to 688.840.

(c) Examine, approve, issue, deny, revoke, suspend and renew licenses to practice respiratory care under ORS 688.800 to 688.840.

(d) Maintain a public record of persons licensed by the agency to practice respiratory care.

(2) The Respiratory Therapist Licensing Board shall:

(a) Establish standards of practice and professional responsibility for persons licensed by the agency.

(b) Select a licensing examination that meets the standards of the National Commission for Certifying Agencies or an equivalent that is nationally recognized in testing respiratory care competencies.

(c) Establish continuing education requirements for renewal of a license.

(d) Provide for waivers of examinations, grandfathering requirements and temporary licenses as considered appropriate. [1997 c.792 §5; 2001 c.40 §2; 2003 c.547 §36; 2005 c.648 §45; 2007 c.71 §224]

688.834 Fees; rules; disposition of receipts. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees related to respiratory therapists for:

- (a) Application;
- (b) Examinations;
- (c) License;
- (d) License renewal;
- (e) License restoration;
- (f) Replacement or duplicate license;
- (g) Delinquency; and

(h) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the agency under subsection (1) of this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency only for the administration and enforcement of ORS 688.800 to 688.840.

(3) The fees established by the agency under this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-

ceed the cost of administering ORS 688.800 to 688.840 pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the budget of the agency, as that budget may be modified by the Emergency Board. [2003 c.547 §30; 2005 c.648 §46]

688.835 [1997 c.792 §4; 2001 c.40 §3; repealed by 2003 c.547 §118]

688.836 Disciplinary authority of Oregon Health Licensing Agency. In the manner prescribed in ORS chapter 183 for contested cases, the Oregon Health Licensing Agency may impose a form of discipline specified in ORS 676.612 against any person practicing respiratory care for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 688.800 to 688.840, or the rules adopted thereunder. [2003 c.547 §34; 2005 c.648 §47]

688.840 Immunity from civil liability. The Respiratory Therapist Licensing Board and its members and the Oregon Health Licensing Agency and its employees and contractors are immune from any civil liability arising from good faith actions taken pursuant to ORS 688.800 to 688.840. [2001 c.40 §7; 2005 c.648 §48]

PENALTIES

688.915 Civil penalty for violation of ORS 688.405 to 688.605 or rules. (1) In addition to any other sanction authorized by law, the Board of Radiologic Technology may impose a civil penalty not to exceed \$1,000 for any violation of ORS 688.405 to 688.605, or of any rules promulgated pursuant to those provisions. The penalty may be imposed whether or not the person incurring the penalty has been licensed or been issued a permit under ORS 688.405 to 688.605, or has made application for a license or permit under those sections. A civil penalty may be imposed in lieu of a refusal to grant or renew a license or permit, or a suspension or revocation of a license or permit, under ORS 688.525.

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

(3) All penalties recovered under this section shall be credited to the Board of Radiologic Technology Account established under ORS 688.585. [1991 c.585 §1.2; 2005 c.726 §16]

688.990 Criminal penalties. (1) Violation of any provision of ORS 688.020 or 688.120 is a misdemeanor.

(2) Violation of ORS 688.415 or 688.425 is punishable by a fine of not more than \$500, or imprisonment for not more than one year, or both. [1959 c.461 §25; subsection (2) enacted as 1977 c.534 §21; 1989 c.171 §80; 2005 c.627 §14]

688.995 Criminal penalty for violation of ORS 688.800 to 688.840. Violation of any provision of ORS 688.800 to 688.840, or of any rule adopted thereunder, is a Class B misdemeanor. [1997 c.792 §9; 2003 c.547 §37]

688.997 Criminal penalty for violation of ORS 688.718. Violation of ORS 688.718 (1) is a Class B misdemeanor. [2003 c.547 §8]
