Chapter 681

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Hearing and Speech Professionals

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GENERAL PROVISIONS

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

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

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

(3) "Conditional license" means a license issued to an applicant under ORS 681.325.

(4) "Practice audiology" means:

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

(b) To fit or sell hearing aids.

(5) "Practice speech-language pathology" means to apply the principles, methods and procedures of measurement, prediction, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of speech, voice, swallowing and related language and hearing disorders to prevent or modify the disorders or to assist individuals in cognition-language and communication skills.

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

(7) "Speech-language pathology assistant" means a person who provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

(8) "Unethical conduct" means:

(a) Obtaining any fee by fraud or misrepresentation.

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

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

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

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

(f) Violating the ethical standards of practice adopted by the board under ORS 681.420. [Formerly 694.305; 1985 c.64 §3; 1989 c.224 §133; 1989 c.491 §67; 1995 c.280 §1; 2001 c.626 §1; 2005 c.698 §1; 2011 c.133 §11]

681.220 Policy. It is declared to be a policy of this state that it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public in order to:

(1) Safeguard the public health, safety and welfare;

(2) Protect the public from being misled by incompetent, unscrupulous and unauthorized persons;

(3) Protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists; and

(4) Help ensure the availability of the highest possible quality speech-language pathology and audiology services to people of this state who have communication disabilities. [Formerly 694.315; 1989 c.224 §134; 1995 c.280 §2; 2005 c.698 §2; 2007 c.70 §307]

LICENSING

(Exemptions)

681.230 Exemptions from licensure requirement. (1) Without obtaining a license under this chapter, a person may use any procedure included in the practice of speech-language pathology or audiology if the procedure is within the scope of practice of the person and the person is:

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

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

(c) A teacher licensed by the Teacher Standards and Practices Commission and holding a hearing impaired endorsement; or

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

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

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

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

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

(4) Without obtaining a license under this chapter, a teacher licensed by the Teacher Standards and Practices Commission and holding a communications disorders or speech impaired endorsement issued by the commission may practice speech-language pathology if the person:

(a) Practices speech-language pathology solely in the course and scope of the person's duties as an employee of an education service district, a school district or a charter school; and

(b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when supervising speech-language pathology assistants.

(5) Without obtaining a license under this chapter, a person may:

(a) Consult with or disseminate the person's research findings and scientific information to accredited academic institutions or governmental agencies; and

(b) Offer lectures to the public for a fee, monetary or otherwise. [Formerly 694.325; 1989 c.491 §67a; 1995 c.280 §3; 2003 c.547 §88; 2005 c.698 §3; 2009 c.701 §62c; 2011 c.133 §1]

(Speech-Language Pathologist or Audiologist)

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

(2) No person shall practice speech-language pathology or audiology or purport to be a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with the provisions of this chapter. [Formerly 694.335; 1987 c.158 §142; 1995 c.280 §4]

681.260 Qualifications for licensure as speech-language pathologist; rules. An applicant is eligible for licensing by the State Board of Examiners for Speech-Language Pathology and Audiology as a speech-language pathologist if the applicant:

(1) Possesses a master's or doctoral degree in speech-language pathology from an educational institution accredited by an accrediting organization approved by the board, or an equivalent degree as determined by the board;

(2) Completed all requirements for the degree required by subsection (1) of this section at an educational institution accredited

by an accrediting organization approved by the board;

(3) Has completed supervised clinical experience required by the board by rule;

(4) Has passed examinations required by the board by rule; and

(5) Meets other requirements established by the board by rule. [Formerly 694.345; 1985 c.64 §5; 1989 c.491 §67b; 1995 c.280 §5; 2005 c.698 §4; 2011 c.133 §2]

681.264 Qualifications for licensure as audiologist; rules. An applicant is eligible for licensing by the State Board of Examiners for Speech-Language Pathology and Audiology as an audiologist if the applicant:

(1) Possesses a degree from an educational institution accredited by an accrediting organization approved by the board that meets the following requirements:

(a) If the degree was awarded on or before August 30, 2007, the applicant must possess a master's or doctoral degree in audiology; or

(b) If the degree was awarded after August 30, 2007, the applicant must possess a doctoral degree with an emphasis in audiology, or an equivalent degree as determined by the board;

(2) Completed all requirements for the degree required by subsection (1) of this section at an educational institution accredited by an accrediting organization approved by the board;

(3) Has completed supervised clinical experience required by the board by rule;

(4) Has passed examinations required by the board by rule; and

(5) Meets other requirements established by the board by rule. [2005 c.698 §6; 2011 c.133 §3]

Note: 681.264 was added to and made a part of ORS chapter 681 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

681.270 License and conditional license application; fee. (1) A person desiring to obtain a license or conditional license from the State Board of Examiners for Speech-Language Pathology and Audiology shall make application to the board.

(2) The application shall be made upon a form and in the manner prescribed by the board.

(3) The application required by this section shall be accompanied by a nonrefundable application fee established by the board. [Formerly 694.355; 1995 c.280 §6; 2005 c.698 §7]

681.280 [Formerly 694.365; 1995 c.280 §9; 2005 c.698 §8; repealed by 2011 c.133 §12]

681.285 Temporary license; rules; fees. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may adopt rules allowing for the issuance of a temporary speech-language pathology or audiology license or a temporary speech-language pathology assistant certificate.

(2) The board may establish fees for temporary licenses and certificates. [2011 c.133 §5]

Note: 681.285 was added to and made a part of ORS chapter 681 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

681.290 Examination of candidates. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may examine by written or oral examination, or by both. Standards for acceptable performance shall be determined by the board. The board may examine or direct the applicant to be examined for knowledge in whatever theoretical or applied fields in speech-language pathology or audiology it considers appropriate. The board may also examine the candidate with regard to the professional skills and judgment of the candidate in the utilization of speech-language pathology or audiology techniques and methods.

(2) The board may waive the written examination if the applicant has successfully passed the Educational Testing Service Praxis II Specialty Area Examination in speech-language pathology or audiology.

(3) The board shall grade the examination or direct it to be graded. Examination papers shall be retained by the board for at least one year. [Formerly 694.375; 1995 c.280 §10]

681.300 Waiver of examination requirement. The State Board of Examiners for Speech-Language Pathology and Audiology may waive the examination described in ORS 681.290 and grant a license to:

(1) An applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in the area for which the person is applying for a license.

(2) An audiology applicant who is certified by the American Board of Audiology. [Formerly 694.385; 1985 c.754 §1; 1995 c.280 §11; 2005 c.698 §9; 2011 c.133 §6]

681.310 [Formerly 694.395; repealed by 1995 c.280 §37]

681.320 Renewal procedure; fees; effect on suspended or revoked license; rules. (1) On or before December 31 of each odd-numbered year, or on or before such date as may be specified by rule of the State Board of Examiners for Speech-Language Pathology and Audiology, each licensed speech-language pathologist or audiologist shall submit to the board an application for re-

newal of license and pay the renewal fee established by the board. The application shall include the following:

(a) Evidence of participation in professional development. Participation in professional development includes continuing education or other demonstrations of professional development that the board may recognize by rule.

(b) Evidence of compliance with all other requirements established by the board.

(2) A person who applies for renewal and whose license has expired may not be required to submit to any examination as a condition to renewal if the renewal application is made within four years from the date of expiration of the license.

(3) A suspended license is subject to expiration and must be renewed as provided in this section, but renewal does not entitle the licensee while the license remains suspended to engage in the licensed activity, or in any other activity or conduct that violates the order or judgment by which the license was suspended.

(4) A license revoked on disciplinary grounds is subject to expiration and may not be renewed. If the license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus a delinquency fee, if any, accrued at the time of revocation of the license.

(5) A person who fails to renew a license within the four years after its expiration may not renew the license. The license may not be restored, reissued or reinstated thereafter, but the person may reapply for and obtain a new license if the person meets the requirements of this chapter and rules adopted by the board. [Formerly 694.405; 1993 c.472 §1; 1995 c.147 §1; 1995 c.280 §12a; 2005 c.698 §10; 2007 c.768 §45; 2011 c.133 §7]

681.325 Issuance of conditional license; scope of practice; renewal. (1) A conditional license permits an individual to practice speech-language pathology or audiology while the person completes the licensing requirements of this chapter.

(2) The State Board of Examiners for Speech-Language Pathology and Audiology may issue a conditional license to practice speech-language pathology or audiology to an applicant who:

(a) Except for the examination and supervised post-graduate professional practice in speech-language pathology or audiology, meets the license requirements under ORS 681.260 or 681.264; and

(b) Demonstrates to the satisfaction of the board that for the term of the conditional license the applicant will practice speech-language pathology or audiology only under the supervision of a speech-language pathologist or audiologist under this chapter.

(3) A conditional license expires on the first anniversary of its effective date.

(4) The board may renew the conditional license for one additional one-year term if the holder:

(a) Continues to meet the requirements of subsection (2) of this section;

(b) Submits a conditional license renewal application to the board on the form that the board requires; and

(c) Pays to the board a conditional license renewal fee established by the board. [1995 c.280 §8; 2005 c.698 §11]

Note: 681.325 was added to and made a part of ORS chapter 681 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

681.330 Application of rules of ethical standards of practice. The rules and regulations of ethical standards of practice adopted pursuant to ORS 681.420 (5) shall govern the conduct of all persons who hold a license or conditional license to practice speech-language pathology or audiology or a certificate to perform the duties of a speech-language pathology assistant. [Formerly 694.415; 1995 c.280 §13; 2001 c.626 §2]

681.340 Fees; waiver; exclusivity of fees; rules. (1) The State Board of Examiners for Speech-Language Pathology and Audiology may, by rule, impose fees for the following:

(a) License or certificate fee and renewal thereof.

(b) Delinquency fee.

(c) Application fee.

(d) Inactive license fee.

(e) Conditional license fee and renewal thereof.

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

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

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

(4) The fees collected by the board are exclusive and a municipality may not require

any person licensed under the provisions of this chapter to furnish any bond or pass any examination. [Formerly 694.425; 1987 c.43 §4; 1993 c.472 §2; 1995 c.147 §2; 1995 c.280 §14; 2005 c.698 §12; 2011 c.133 §8]

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

(a) Obtained or attempted to obtain a license or conditional license by means of fraud, misrepresentation, or concealment of material facts.

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

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

(d) Violated any provisions of this chapter.

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

(f) An impairment as defined in ORS 676.303.

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

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

(4) In disciplining a licensee or a conditional licensee, the board may impose any disciplinary action the board finds proper, including assessment of costs of the disciplinary proceedings as a civil penalty. [Formerly 694.435; 1985 c.64 §6; 1993 c.14 §26; 1995 c.280 §15; 2005 c.698 §13; 2009 c.756 §43]

(Speech-Language Pathology Assistant)

681.360 Certificate for speech-language pathology assistant; requirements; renewal; exception; grounds for denial, suspension or revocation; rules. (1) A person may not perform the duties of a speech-language pathology assistant or use the title speech-language pathology assistant without a certificate to do so issued under this section.

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

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

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

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

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

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

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

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

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

(4) A person may not employ or otherwise use the services of a speech-language pathology assistant unless the speech-language pathology assistant is certified under this section.

(5) The board may establish by rule qualifications and conditions under which a person not licensed under this chapter who holds a basic or standard teaching license in speech impaired or an initial or continuing teaching license in communication disorders issued by the Teacher Standards and Practices Commission may supervise a speech-language pathology assistant working in a school.

(6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any certified speech-language pathology assistant pursuant to the provisions of ORS 681.350. [2001 c.626 §4; 2005 c.698 §14; 2011 c.133 §9]

681.365 [2001 c.626 §5; repealed by 2011 c.133 §12]

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

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

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

(3) Verify that the speech-language pathology assistant is certified under ORS 681.360. [2001 c.626 §7]

681.375 Role of speech-language pathology assistants; rules. The State Board of Examiners for Speech-Language Pathology and Audiology shall adopt rules to define the role of speech-language pathology assistants, including but not limited to:

(1) The responsibilities of speech-language pathologists for the supervision and instruction of speech-language pathology assistants, including the frequency, duration and documentation of direct, on-site supervision and the quantity and content of instruction.

(2) The ratio of speech-language pathology assistants to speech-language pathologists.

(3) The scope of duties and restrictions on responsibilities of speech-language pathology assistants.

(4) The qualifications that must be met before a speech-language pathology assistant may be certified.

(5) Clarification of the differences between the scope of duties of speech-language pathology assistants and of educational assistants as described in ORS 681.360 (5). [2001 c.626 §8; 2005 c.698 §15]

STATE BOARD

681.400 State Board of Examiners for Speech-Language Pathology and Audiology. (1) There is established a State Board of Examiners for Speech-Language Pathology and Audiology. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Two must be audiologists licensed under this chapter.

(b) Two must be speech-language pathologists licensed under this chapter.

(c) One must be a person licensed to practice medicine who also holds board certification from the American Board of Otolaryngology.

(d) Two must be members of the public who are not:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of an audiologist, speech-language pathologist or a person licensed to practice medicine who also holds board certification from the American Board of Otolaryngology.

(2)(a) Board members required to be licensed audiologists or licensed speech-language pathologists may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by:

(A) Any professional organization representing audiologists, if the vacancy on the board is for an audiologist position; or

(B) Any professional organization representing speech-language pathologists, if the vacancy on the board is for a speech-language pathologist position.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed audiologist or a retired audiologist who was a licensed audiologist whose license was in good standing at the time of retirement, if the board member was appointed to serve on the board as an audiologist; or

(D) Is not a licensed speech-language pathologist or a retired speech-language pathologist who was a licensed speech-language pathologist whose license was in good standing at the time of retirement, if the board member was appointed to serve on the board as a speech-language pathologist. [Formerly 694.445; 1985 c.64 §7; 1995 c.280 §16; 2005 c.698 §16; 2009 c.535 §16; 2009 c.756 §43a]

681.410 Compensation and expenses; rules. A member of the State Board of Examiners for Speech-Language Pathology and Audiology shall receive compensation and

expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [Formerly 694.455; 1985 c.64 §8; 1995 c.280 §17; 2005 c.698 §17; 2009 c.535 §17; 2009 c.756 §44]

681.420 Powers and duties; rules. The State Board of Examiners for Speech-Language Pathology and Audiology shall:

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

(2) Evaluate the qualifications of applicants for any license as issued under this chapter and supervise the examination of such applicants;

(3) Investigate persons engaging in practices which violate the provisions of this chapter;

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

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

(6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the proceedings, records and acts of the board, signed by the executive director or chairperson of the board and stamped with the seal, shall be prima facie evidence of the truth of such documents. [Formerly 694.465; 1995 c.280 §18; 2005 c.698 §18]

681.430 Officers; quorum; meetings. (1) The State Board of Examiners for Speech-Language Pathology and Audiology shall select 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 such offices as the board determines.

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

(3) The State Board of Examiners for Speech-Language Pathology and Audiology shall meet at least once every year at a place, day and hour determined by the board. The board also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the board. [Formerly 694.475; 1995 c.280 §19]

681.440 When meetings may be closed to public; rules. All meetings of the State Board of Examiners for Speech-Language Pathology and Audiology for the consideration of and action on matters coming before the board are open to the public, except:

(1) Matters involving the management of internal affairs of the board and its staff may be considered and acted upon by the board in executive meetings under rules prescribed by the board.

(2) Sessions to prepare, approve, grade or administer examinations.

(3) Upon request of a person who has failed the licensing examination and is appearing to appeal the failing grade.

(4) 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 to the extent made confidential by ORS 676.175. [Formerly 694.485; 1985 c.565 §93; 1995 c.280 §20; 1997 c.791 §32]

681.450 Executive director. The executive director of the State Board of Examiners for Speech-Language Pathology and Audiology may, within guidelines established by the Oregon Department of Administrative Services, hire employees and enter into contracts for specific services necessary to carry out the administration of this chapter. [Formerly 694.495; 1995 c.280 §21; 2005 c.698 §19; 2009 c.756 §45]

681.460 Rules. In accordance with applicable provisions of ORS chapter 183, the State Board of Examiners for Speech-Language Pathology and Audiology may make reasonable rules to carry out the functions vested in the board under ORS 681.420. [Formerly 694.505; 1995 c.280 §22]

681.470 [Formerly 694.515; 1995 c.280 §23; repealed by 2005 c.698 §24 and 2005 c.726 §17]

681.480 State Board of Examiners for Speech-Language Pathology and Audiology Account; disbursement of receipts. The State Board of Examiners for Speech-Language Pathology and Audiology Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the State Board of Examiners for Speech-Language Pathology and Audiology under this chapter shall be deposited into the account and are continuously appropriated to the board for the administration and enforcement of this chapter. Any interest or other income from moneys in the account shall be credited to the account. [Formerly 694.525; 2003 c.14 §432; 2005 c.698 §20; 2005 c.726 §18a]

ENFORCEMENT

681.490 Investigation of complaints and alleged violations; subpoenas; remedies; civil penalties. (1) The State Board of Examiners for Speech-Language Pathology and Audiology:

(a) May, upon its own motion, investigate any alleged violation of this chapter.

(b) Shall, upon the complaint of any resident of this state, investigate any alleged violation of this chapter.

(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, vice chairperson or executive director and the seal of the board in the name of the State of Oregon.

(4) The board may bring a cause of action for injunction or other appropriate remedy to enforce any provision of this chapter.

(5) In addition to or in lieu of any other sanction permitted under this chapter, the board may impose a civil penalty of up to $5,000 for each violation of the provisions of this chapter or rules adopted by the board under this chapter. A civil penalty imposed under this section shall be imposed in the manner provided in ORS 183.745. [1989 c.843 §4; 1995 c.280 §24; 2005 c.698 §21; 2011 c.133 §10]

681.495 Board duty to investigate complaints. Upon receipt of a complaint under this chapter, the State Board of Examiners for Speech-Language Pathology and Audiology shall conduct an investigation as described under ORS 676.165. [1997 c.791 §31]

681.505 Report of suspected violations; liability of complainant. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee of the State Board of Examiners for Speech-Language Pathology and Audiology shall report any suspected violation of this chapter or any prohibited conduct as defined in ORS 676.150 in the manner provided in ORS 676.150.

(b) Any person may report to the board any suspected violation of this chapter.

(2) A person who has made a complaint as to the conduct of an applicant, licensee or conditional licensee of the board or who has given information or testimony relative to a proposed or pending proceeding for misconduct against the applicant, licensee or conditional licensee of the board is not answerable for any such act in any proceeding except for perjury. [1985 c.64 §11; 1995 c.280 §25; 2005 c.698 §22; 2009 c.536 §2]

681.605 [1985 c.64 §10; 2005 c.698 §23; repealed by 2009 c.701 §67]

PENALTY

681.990 [Repealed by 1967 c.470 §68]

681.991 Penalty. Violation of ORS 681.250 (2) is a misdemeanor. [Formerly subsection (3) of 694.991]