

(To Resolve Conflicts)

B-Engrossed House Bill 2103

Ordered by the Senate July 7
Including House Amendments dated March 30 and Senate Amendments
dated July 7 to resolve conflicts

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Health Licensing Office)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Changes name of Health Licensing Office to Oregon Health Licensing Agency. Makes required conforming changes to statutes concerning professions regulated by agency.

Authorizes agency to issue single facility license to certain facilities where multiple professions regulated by agency are practiced.

Removes statutory maximum fee amounts that agency may assess for practice of cosmetology or body piercing.

A BILL FOR AN ACT

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Relating to Oregon Health Licensing Agency; creating new provisions; amending ORS 345.440, 345.450, 670.304, 676.605, 676.606, 676.607, 676.608, 676.610, 676.612, 676.613, 676.615, 676.618, 676.620, 676.625, 676.992, 680.500, 680.510, 680.515, 680.520, 680.525, 680.530, 680.535, 680.550, 680.556, 680.565, 680.570, 687.420, 687.425, 687.430, 687.435, 687.445, 687.470, 687.485, 687.490, 687.495, 688.800, 688.815, 688.820, 688.830, 688.834, 688.836, 688.840, 690.005, 690.015, 690.035, 690.048, 690.055, 690.057, 690.085, 690.105, 690.123, 690.155, 690.165, 690.167, 690.195, 690.205, 690.225, 690.235, 690.350, 690.355, 690.365, 690.370, 690.380, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, 690.425, 690.430, 690.500, 690.507, 690.510, 690.515, 690.520, 690.530, 690.550, 690.570, 694.015, 694.025, 694.028, 694.036, 694.042, 694.055, 694.065, 694.095, 694.115, 694.125, 694.142, 694.147, 694.155, 694.165, 694.170, 694.185, 694.991, 700.010, 700.030, 700.035, 700.050, 700.052, 700.053, 700.059, 700.062, 700.080, 700.100, 700.105, 700.111, 700.210, 700.220 and 700.240 and sections 2, 3, 4, 5, 9, 10 and 15, chapter 736, Oregon Laws 1999, section 11, chapter 547, Oregon Laws 2003, and section 2, chapter 415, Oregon Laws 2005 (Enrolled House Bill 3219); repealing ORS 676.600, 687.440, 687.455, 690.075 and 700.992 and section 11, chapter 736, Oregon Laws 1999; and appropriating money.

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

SECTION 1. ORS 676.605 is amended to read:

676.605. (1) To provide for the more effective coordination of administrative **and regulatory** functions of certain health boards, councils and programs [*charged with responsibility for*] **involved in** protecting the public through the licensing and regulation of health-related professions and occupations practiced in this state under uniform mission and goals, there is hereby created the [*Health Licensing Office*] **Oregon Health Licensing Agency.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The mission of the [*Health Licensing Office*] **agency** is to serve the public by providing a
2 uniform structure and accountability for the boards, councils and programs under its administration
3 to protect the public from harm. The agency's focus is to:

4 (a) Promote effective health policy that protects the public from incompetent or unauthorized
5 individuals and allows consumers to select a provider from a range of safe options.

6 (b) Provide outreach and training to stakeholders to improve compliance with public health and
7 safety standards, and to involve stakeholders in the regulation of the various disciplines and fields
8 of practice.

9 (c) Form partnerships and work in collaboration with each constituency, local and state gov-
10 ernmental agencies, educators, organizations and other affected entities to encourage diverse opin-
11 ions and perspectives.

12 (d) Provide the boards, councils and programs with a standardized administrative forum and
13 procedures for operation, fiscal services, licensing, enforcement and complaint resolution.

14 (e) Resolve disputes between regulatory entities regarding the scope of practice of persons li-
15 censed by those entities.

16 [(3) *The agency is responsible for:*]

17 [(a) *Establishing and administering a uniform application process for licensing, certification or*
18 *registration of health-related professions or occupations;*]

19 [(b) *Approving and collecting fees proposed by the boards, councils and programs administered by*
20 *the agency;*]

21 [(c) *Issuing and renewing licenses, certificates and registrations in consultation with the boards,*
22 *councils and programs;*]

23 [(d) *Conditioning, limiting, suspending, revoking or refusing to issue or renew a license, certificate*
24 *or registration in consultation with the appropriate board, council or program; and*]

25 [(e) *Reviewing board, council and program administrative rules establishing professional stan-*
26 *dards, continuing education requirements, scope of practice limits and practitioner discipline.*]

27 **SECTION 2.** ORS 676.606 is amended to read:

28 676.606. **Pursuant to ORS 676.607**, the [*Health Licensing Office*] **Oregon Health Licensing**
29 **Agency** shall provide administrative **and regulatory** oversight and centralized service for the fol-
30 lowing boards, advisory councils and program:

31 (1) Board of Athletic Trainers, as provided in sections 1 to 11, chapter 736, Oregon Laws 1999;

32 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.235;

33 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.570;

34 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

35 (5) Respiratory Therapist Licensing Board, as provided in ORS 688.800 to 688.840;

36 (6) Environmental Health Registration Board, as provided in ORS chapter 700;

37 (7) Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists, as
38 provided in ORS 690.350 to 690.430;

39 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185; and

40 (9) Body piercing licensing program, as provided in ORS 690.500 to 690.570.

41 **SECTION 3.** ORS 676.607 is amended to read:

42 676.607. (1) **The Oregon Health Licensing Agency is responsible for the administration and**
43 **regulatory oversight of the boards, councils and programs listed in ORS 676.606. The re-**
44 **sponsibilities of the agency include, but are not limited to:**

45 (a) **Budgeting;**

- 1 **(b) Record keeping;**
- 2 **(c) Staffing;**
- 3 **(d) Contracting;**
- 4 **(e) Consumer protection and investigating complaints;**
- 5 **(f) Approving and collecting fees;**
- 6 **(g) Establishing and administering uniform application processes for the issuance of li-**
7 **censes, certificates, permits and registrations;**
- 8 **(h) Issuing and renewing licenses, certificates, permits and registrations;**
- 9 **(i) Conditioning, limiting, suspending, revoking or refusing to issue or renew a license,**
10 **certificate, permit or registration or otherwise disciplining applicants, licensees, certificate**
11 **holders, permit holders and registration holders;**
- 12 **(j) Sanctioning any examination service provider, interpreter or proctor who is under**
13 **contract or agreement with the agency and who compromises the security, confidentiality**
14 **or integrity of examinations developed or conducted pursuant to the statutory authority of**
15 **the boards and councils listed in ORS 676.606;**
- 16 **(k) Adopting and enforcing all administrative rules promulgated under any statute the**
17 **agency is charged with enforcing, including board, council and program administrative rules**
18 **establishing professional standards, continuing education requirements or scope of practice**
19 **issues;**
- 20 **(L) Preparing, tracking and reporting agency performance measures;**
- 21 **(m) Implementing regulatory streamlining initiatives to reduce regulatory burdens with-**
22 **out compromising regulatory standards; and**
- 23 **(n) Preparing and circulating printed and electronic materials for educating or otherwise**
24 **assisting applicants, licensees, certificate holders, permit holders and registration holders**
25 **and the public.**

26 (2) The enumeration of duties, functions and powers in [ORS 676.605] **subsection (1) of this**
27 **section** is not intended to be exclusive nor to limit the duties, functions and powers imposed on or
28 vested in the [*Health Licensing Office*] **agency** by other statutes.

29 **SECTION 4.** ORS 676.608 is amended to read:

30 676.608. (1) Upon its own motion or upon any complaint, the [*Health Licensing Office*] **Oregon**
31 **Health Licensing Agency** may initiate and conduct investigations of matters relating to the prac-
32 tice of occupations or professions **subject to the authority of the boards, councils and programs**
33 listed in ORS [676.992] **676.606**.

34 (2) While conducting an investigation authorized under subsection (1) of this section or a hear-
35 ing related to an investigation, the [*Health Licensing Office*] **agency** may:

- 36 (a) Take evidence;
- 37 (b) Administer oaths;
- 38 (c) Take the depositions of witnesses, including the person charged;
- 39 (d) Compel the appearance of witnesses, including the person charged;
- 40 (e) Require answers to interrogatories;
- 41 (f) Compel the production of books, papers, accounts, documents and testimony pertaining to the
42 matter under investigation; and
- 43 (g) Conduct criminal and civil background checks to determine conviction of a crime that bears
44 a demonstrable relationship to the field of practice.

45 (3) In exercising its authority under this section, the [*Health Licensing Office*] **agency** may issue

1 subpoenas over the signature of the Director of the [*Health Licensing Office*] **Oregon Health Li-**
2 **censing Agency** or designated employee thereof and in the name of the State of Oregon.

3 (4) If a person fails to comply with a subpoena issued under this section, the judge of the Circuit
4 Court for Marion County may compel obedience by initiating proceedings for contempt as in the
5 case of disobedience of the requirements of a subpoena issued from the court.

6 (5) **If necessary, the director, or an employee designated by the director, may appear**
7 **before a magistrate empowered to issue warrants in criminal cases to request that the**
8 **magistrate issue a warrant. The magistrate shall issue a warrant, directing it to any sheriff**
9 **or deputy or police officer, to enter the described property, to remove any person or obstacle,**
10 **to defend any threatened violence to the director or a designee of the director or an officer,**
11 **upon entering private property, or to assist the director in enforcing the agency's authority**
12 **in any way.**

13 [(5)] (6) In all investigations and hearings, the [*Health Licensing Office*] **agency** and any person
14 affected thereby may have the benefit of counsel.

15 **SECTION 5.** ORS 676.610 is amended to read:

16 676.610. (1)(a) The [*Health Licensing Office*] **Oregon Health Licensing Agency** is under the
17 supervision and control of a director, who is responsible for the performance of the duties, functions
18 and powers **and for the organization** of the agency.

19 (b) The Director of the Oregon Department of Administrative Services shall establish the qual-
20 ifications for and appoint the Director of the [*Health Licensing Office*] **Oregon Health Licensing**
21 **Agency**, who holds office at the pleasure of the Director of the Oregon Department of Administra-
22 tive Services.

23 (c) The Director of the [*Health Licensing Office*] **Oregon Health Licensing Agency** shall receive
24 a salary as provided by law or, if not so provided, as prescribed by the Director of the Oregon De-
25 partment of Administrative Services.

26 (d) The Director of the [*Health Licensing Office*] **Oregon Health Licensing Agency** shall be in
27 the unclassified service.

28 (2) The Director of the [*Health Licensing Office*] **Oregon Health Licensing Agency** shall be
29 responsible for the performance of duties and functions of the boards, councils and programs ad-
30 ministered by the agency. The Director **of the Oregon Health Licensing Agency** shall provide the
31 boards, councils and programs with such services and employees as the agency requires to carry
32 out its duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
33 rector **of the Oregon Health Licensing Agency** shall appoint all subordinate officers and employ-
34 ees of the agency, prescribe their duties and fix their compensation.

35 (3) Except as provided in section 18, chapter 885, Oregon Laws 1999, the Director of the [*Health*
36 *Licensing Office*] **Oregon Health Licensing Agency** shall be responsible for carrying out **the** duties,
37 functions and powers under ORS 680.500 to 680.570, 680.990 (2), 687.405 to 687.495, 688.800 to
38 688.840, 688.995, 690.005 to 690.235, 690.350 to 690.430, 690.500 to 690.570, 690.992 and 694.015 to
39 694.185 and ORS chapter 700 [*that prior to October 23, 1999, have been carried out by the Health Di-*
40 *vision of the Department of Human Resources or the Assistant Director for Health. The director suc-*
41 *ceeds to all rights and obligations of the Health Division and the Assistant Director for Health*].

42 **SECTION 6.** ORS 676.612 is amended to read:

43 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases and as specified
44 in ORS 680.535, 687.445, 688.836, 690.167, 690.407, 690.515, 694.147 and 700.111 and section 11, chap-
45 ter 547, Oregon Laws 2003, the [*Health Licensing Office*] **Oregon Health Licensing Agency** may

1 refuse to issue or renew, may suspend or revoke or may place on probation or otherwise [*sanction*]
2 **discipline** a holder of a certificate, permit, license or registration to practice issued by the agency
3 for any of the following reasons:

4 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
5 taining an authorization to practice in this state, or in any written or oral communication to the
6 agency concerning the issuance or retention of the authorization.

7 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
8 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
9 published, that is false, misleading or deceptive.

10 (c) Making a representation that the certificate, permit, license or registration holder knew or
11 should have known is false or misleading regarding skill or the efficacy or value of treatment or
12 remedy administered by the holder.

13 (d) Practicing under a false, misleading or deceptive name, or impersonating another certificate,
14 permit, license or registration holder.

15 (e) Permitting a person other than the certificate, permit, license or registration holder to use
16 the certificate, permit, license or registration.

17 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
18 to the practitioner or to the person or property of others in the course of performing the practi-
19 tioner's duties.

20 (g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing
21 substances, or engaging in the illegal use of controlled substances or other skill-impairing sub-
22 stances so as to create a risk of harm to the person or property of others in the course of per-
23 forming the practitioner's duties.

24 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

25 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
26 son to practice a regulated occupation or profession **subject to the authority of the boards,**
27 **councils and programs** listed in ORS [676.992] **676.606.**

28 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
29 or failure to conform to standards of practice in performing services or practicing in a regulated
30 occupation or profession **subject to the authority of the boards, councils and programs** listed
31 under ORS [676.992] **676.606.**

32 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
33 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
34 conviction. A plea of no contest or an admission of guilt shall be considered a conviction for pur-
35 poses of this paragraph.

36 (L) Failing to report any adverse action, as required by statute or rule, taken against the cer-
37 tificate, permit, license, or registration holder by another regulatory jurisdiction or any peer review
38 body, health care institution, professional association, governmental agency, law enforcement agency
39 or court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary
40 action as described in this section.

41 (m) Violation of a statute regulating an occupation or profession **subject to the authority of**
42 **the boards, councils and programs** listed in ORS [676.992] **676.606.**

43 (n) Violation of any rule regulating an occupation or profession **subject to the authority of**
44 **the boards, councils and programs** listed in ORS [676.992] **676.606.**

45 (o) Failing to cooperate with the agency in any investigation, inspection or request for infor-

1 mation.

2 (2) The agency may refuse to issue or renew, may suspend or revoke or may place on probation
3 or otherwise sanction a holder of a certificate, permit, license or registration to practice issued by
4 the agency for failure to pay an outstanding civil penalty **or fee** that is due or for failure to meet
5 the terms of any order issued by the agency that has become final.

6 (3) If the agency places a holder of a certificate, permit, license or registration on probation
7 under subsection (1) of this section, the agency, in consultation with the appropriate board, council
8 or program, may determine and at any time modify the conditions of the probation.

9 (4) If a certificate, permit, license or registration is suspended, the holder may not practice
10 during the term of suspension. Upon the expiration of the term of suspension, the certificate, permit,
11 license or registration may be reinstated by the agency if the conditions of suspension no longer
12 exist and the holder has satisfied all requirements in the relevant statutes or administrative rules
13 for issuance, renewal or reinstatement.

14 **SECTION 7.** ORS 676.613 is amended to read:

15 676.613. (1) In addition to all other remedies, when it appears to the [*Health Licensing Office*]
16 **Oregon Health Licensing Agency** that a person is engaged in, has engaged in[,] or is about to
17 engage in any act, practice or transaction that violates any provision of sections 1 to 11, chapter
18 736, Oregon Laws 1999, ORS 680.500 to 680.570, 687.405 to 687.495, 688.800 to 688.840, 690.005 to
19 690.235, 690.350 to 690.430, 690.500 to 690.570 or 694.015 to 694.185 or ORS chapter 700 **or section**
20 **10 of this 2005 Act**, the agency may, through the Attorney General or the district attorney of the
21 county in which the act, practice or transaction occurs or will occur, apply to the court for an in-
22 junction restraining the person from the act, practice or transaction.

23 (2) A court may issue an injunction under this section without proof of actual damages. An in-
24 junction issued under this section does not relieve a person from any other prosecution or enforce-
25 ment action taken for violation of statutes listed in subsection (1) of this section.

26 **SECTION 8.** ORS 676.615 is amended to read:

27 676.615. (1) In accordance with applicable provisions of ORS chapter 183, the Director of the
28 [*Health Licensing Office*] **Oregon Health Licensing Agency** may adopt rules necessary for the ad-
29 ministration of the laws that the [*Health Licensing Office*] **Oregon Health Licensing Agency** is
30 charged with administering.

31 (2) In accordance with applicable provisions of ORS chapter 183, the director [*of the Health Li-*
32 *censing Office*] may adopt rules necessary for the administration of ORS 676.600 to 676.625 and
33 676.992.

34 **SECTION 9.** Section 10 of this 2005 Act is added to and made a part of ORS 676.600 to
35 **676.625.**

36 **SECTION 10.** (1) As used in this section, “single facility license” means a license to pro-
37 **vide services in a single location in more than one of the following practice areas:**

- 38 (a) **Cosmetology, as provided in ORS 690.005 to 690.235;**
- 39 (b) **Electrolysis, as provided in ORS 690.350 to 690.430;**
- 40 (c) **Permanent coloring, as provided in ORS 690.350 to 690.430;**
- 41 (d) **Tattooing, as provided in ORS 690.350 to 690.430; and**
- 42 (e) **Body piercing, as provided in ORS 690.500 to 690.550.**

43 (2) **The Oregon Health Licensing Agency may issue a single facility license to an applicant**
44 **that:**

- 45 (a) **Owns the facility to be licensed;**

1 (b) If a natural person, is at least 18 years of age or, if an entity other than a natural
2 person, is formed and operated in accordance with Oregon law;

3 (c) Has paid all required fees, as determined by the agency; and

4 (d) Has filed an application in the form and manner required by the agency.

5 (3)(a) A single facility license expires annually on a date determined by the agency.

6 (b) A single facility license may be renewed by submitting, prior to the expiration date
7 of the license, the required renewal fees and a renewal application in the form and manner
8 prescribed by the agency.

9 (c) The agency may impose a late fee or require a new application for the failure to renew
10 a single facility license prior to the date on which it expires.

11 (4) The agency shall establish by rule and collect fees associated with single facility li-
12 censes. Fees shall be established for:

13 (a) Application for licensure;

14 (b) An original license;

15 (c) License renewal;

16 (d) Late renewal of a license;

17 (e) Issuance of a duplicate or replacement license; and

18 (f) Costs of compiling, photocopying, preparing and delivering copies of documents and
19 records.

20 (5) All moneys received by the agency under this section shall be paid into the General
21 Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account,
22 and are appropriated continuously to and shall be used by the agency only for the adminis-
23 tration and enforcement of the provisions of this section.

24 (6) The fees established by the agency under subsection (4) of this section are subject to
25 the prior approval of the Oregon Department of Administrative Services. The fees shall not
26 exceed the cost of administering the provisions of this section pertaining to the purpose for
27 which the fee is established, as authorized by the Legislative Assembly within the budget of
28 the agency, as that budget may be modified by the Emergency Board.

29 (7) A single facility license holder shall ensure that the:

30 (a) Single facility license is displayed in public view where services are being rendered;
31 and

32 (b) Facility authorized by the single facility license complies with all statutes and rules
33 governing facilities in which services in the practice areas authorized by the license of the
34 holder are provided.

35 (8) The agency may suspend, condition, limit, revoke or refuse to issue or renew a single
36 facility license, or may place on probation or otherwise discipline a single facility license
37 holder, for the reasons specified in ORS 676.612, 690.167, 690.407 or 690.515 or for failure to
38 comply with subsection (7) of this section.

39 **SECTION 11.** ORS 676.618 is amended to read:

40 676.618. (1) Upon its own motion or upon any complaint, the [*Health Licensing Office*] **Oregon**
41 **Health Licensing Agency** may conduct an inspection to determine whether a facility or a part of
42 the facility that is the subject of the inspection complies with the licensing, safety, infection control
43 and sterilization requirements imposed by statute or rule of the **agency or the** boards, councils and
44 programs administered by the agency.

45 (2) The [*Health Licensing Office*] **agency** shall provide for the periodic inspection of facilities,

1 **business premises or other locations where services are performed by the** *[or the business*
2 *premises of the following regulated]* **practitioners of the** occupations or professions^[:] **subject to**
3 **the authority of the boards, councils and programs that are administered and regulated by**
4 **the agency pursuant to ORS 676.606.**

5 *[(a) Body piercing;]*

6 *[(b) Cosmetology;]*

7 *[(c) Electrology and permanent coloring or tattooing; and]*

8 *[(d) Dealing in hearing aids.]*

9 **SECTION 12.** ORS 676.620 is amended to read:

10 676.620. In performing its powers and duties under chapter 885, Oregon Laws 1999, the *[Health*
11 *Licensing Office]* **Oregon Health Licensing Agency** may utilize the administrative assistance of the
12 Oregon Department of Administrative Services. The *[office]* **agency** shall pay to the department a
13 proportionate share of the cost of such administrative services, such share to be fixed by biennial
14 negotiation between the *[office]* **agency** and the department.

15 **SECTION 13.** ORS 676.625 is amended to read:

16 676.625. (1) The *[Health Licensing Office]* **Oregon Health Licensing Agency** Account is estab-
17 lished in the General Fund of the State Treasury. The account shall consist of the moneys *[appro-*
18 *priated]* **credited** to the account by the Legislative Assembly. All moneys in the account are
19 appropriated continuously **to** and shall be used by the *[Health Licensing Office for]* **Oregon Health**
20 **Licensing Agency for payment of expenses of the agency in** carrying out the duties and obli-
21 gations of the boards, councils and programs *[imposed by law]* **administered and regulated by the**
22 **agency pursuant to ORS 676.606.**

23 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report
24 to the Emergency Board prior to adopting *[the]* fees and charges **credited to the account**, the fees
25 and charges shall not exceed the cost of administering the boards, councils and programs within the
26 agency pertaining to the purposes for which the fee or charge is established, as authorized by the
27 Legislative Assembly within the agency's budget, as the budget may be modified by the Emergency
28 Board.

29 (3) The agency shall keep a record of all moneys deposited into the account. The record shall
30 indicate by separate cumulative accounts the source from which the moneys are derived and the
31 individual activity of each board, council or program.

32 (4) The moneys received from civil penalties assessed *[by any of the entities administered under*
33 *the Health Licensing Office]* **under ORS 676.992** shall be deposited and accounted for as are other
34 moneys received by the agency and shall be for the administration and enforcement of those laws
35 of the boards, councils and programs administered by the *[Health Licensing Office]* **agency.**

36 *[(5) All unexpended moneys appropriated or otherwise available to a state officer or agency for the*
37 *purposes of any of its duties, functions or powers transferred by chapter 885, Oregon Laws 1999, to the*
38 *Health Licensing Office, are appropriated to the Health Licensing Office.]*

39 *[(6) Moneys appropriated to the Health Licensing Office under subsection (5) of this section are*
40 *subject to any expenditure limitations placed on those moneys prior to the appropriation to the Health*
41 *Licensing Office.]*

42 **SECTION 14.** ORS 676.992 is amended to read:

43 676.992. (1) **Except as provided in subsection (3) of this section, and** in addition to any other
44 penalty or remedy provided by law, the *[Health Licensing Office]* **Oregon Health Licensing Agency**
45 may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any

1 rule adopted thereunder:

- 2 (a) Sections 1 to 11, chapter 736, Oregon Laws 1999 (athletic training);
- 3 (b) ORS 690.500 to 690.570 (body piercing);
- 4 (c) ORS 690.005 to 690.235 (cosmetology);
- 5 (d) ORS 680.500 to 680.570 (denture technology);
- 6 (e) ORS 687.405 to 687.495 (direct entry midwifery);
- 7 (f) ORS 690.350 to 690.430 (electrology and permanent coloring or tattooing);
- 8 (g) ORS 694.015 to 694.185 (dealing in hearing aids);
- 9 (h) ORS 688.800 to 688.840 (respiratory therapy); *[and]*
- 10 (i) ORS chapter 700 (environmental sanitation); **and**
- 11 **(j) Section 10 of this 2005 Act (single facility licensure).**

12 (2) The agency may take any other disciplinary action that it finds proper, including but not
13 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
14 statute or rule adopted under any statute listed in subsection (1) of this section.

15 (3) Subsection (1) of this section *[shall]* **does** not limit the amount of the civil penalty resulting
16 from a violation of ORS 694.042.

17 (4) In imposing a civil penalty pursuant to this section, the agency shall consider the following
18 factors:

- 19 (a) The immediacy and extent to which the violation threatens the public health or safety;
- 20 (b) Any prior violations of statutes, rules or orders;
- 21 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
22 lation; and
- 23 (d) Any other aggravating or mitigating factors.
- 24 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

25 (6) The moneys received by the agency from civil penalties under this section shall be paid into
26 the General Fund of the State Treasury and credited to the *[Health Licensing Office]* **Oregon Health**
27 **Licensing Agency Account established under ORS 676.625**. Such moneys are continuously appro-
28 priated to the *[Health Licensing Office]* **agency** for the administration and enforcement of the laws
29 the agency is charged with administering and enforcing that govern the person against whom the
30 penalty was imposed.

31 **SECTION 15.** Section 2, chapter 736, Oregon Laws 1999, is amended to read:

32 **Sec. 2.** (1) There is created in the *[Health Licensing Office]* **Oregon Health Licensing Agency**
33 the Board of Athletic Trainers, consisting of five members appointed by the Director of the *[Health*
34 *Licensing Office]* **Oregon Health Licensing Agency**. In making appointments to the board, the di-
35 rector must take into consideration any nominations received from professional organizations of
36 athletic trainers that are based in Oregon.

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

- 38 (a) All members must be citizens of this state.
- 39 (b) Three members must be athletic trainers who have practiced continuously in this state for
40 the three years prior to the date of appointment.
- 41 (c) One member must be a member of the general public who is not an athletic trainer.
- 42 (d) One member must be a physician licensed under ORS chapter 677.

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

1 term.

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

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

5 **SECTION 16.** Section 3, chapter 736, Oregon Laws 1999, is amended to read:

6 **Sec. 3.** (1) The Board of Athletic Trainers shall elect one of its members as chairperson and
7 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
8 ance of the functions of those offices as the board determines.

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

10 (3) The Board of Athletic Trainers shall meet at least once each year at a time and place de-
11 termined by the [*Health Licensing Office*] **Oregon Health Licensing Agency**.

12 **SECTION 17.** Section 4, chapter 736, Oregon Laws 1999, is amended to read:

13 **Sec. 4.** The Board of Athletic Trainers shall:

14 (1) Advise the [*Health Licensing Office*] **Oregon Health Licensing Agency** about the adoption
15 of rules necessary for the administration of sections 1 to 11, **chapter 736, Oregon Laws 1999** [*of*
16 *this 1999 Act*].

17 (2) Determine training and education requirements for registration as described in section 8,
18 **chapter 736, Oregon Laws 1999** [*of this 1999 Act*].

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

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

22 (5) Establish a code of professional responsibility and standards of practice for registered ath-
23 letic trainers.

24 (6) Develop, approve or recognize a written examination to test an applicant's knowledge of the
25 basic and clinical sciences relating to athletic training techniques and methods and any other sub-
26 jects the board may determine to be necessary to assess an applicant's fitness to practice athletic
27 training.

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

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

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

33 (10) Adopt rules that include provisions describing procedures, when appropriate, for collab-
34 oration between athletic trainers and physicians licensed pursuant to ORS chapter 677.

35 **SECTION 18.** Section 5, chapter 736, Oregon Laws 1999, as amended by section 263, chapter
36 104, Oregon Laws 2001, is amended to read:

37 **Sec. 5.** The [*Health Licensing Office*] **Oregon Health Licensing Agency** is granted authority to
38 carry out the following duties:

39 (1) Adopt rules that are necessary to conduct business, carry out duties and administer the
40 provisions of sections 1 to 11, chapter 736, Oregon Laws 1999.

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

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

44 (4) Authorize all necessary disbursements to carry out the provisions of sections 1 to 11, chapter
45 736, Oregon Laws 1999, including but not limited to payment for necessary supplies, office equip-

1 ment, books and expenses for the conduct of examinations, payment for legal and investigative ser-
2 vices rendered to the [*Health Licensing Office*] **agency** and such other expenditures as are provided
3 for in sections 1 to 11, chapter 736, Oregon Laws 1999.

4 (5) Employ inspectors, examiners, special agents, investigators, clerical assistants and account-
5 ants as are necessary for the investigation and prosecution of alleged violations and the enforcement
6 of sections 1 to 11, chapter 736, Oregon Laws 1999, and for such other purposes as the [*Health Li-*
7 *censing Office*] **agency** may require. Nothing in sections 1 to 11, chapter 736, Oregon Laws 1999,
8 shall be construed to prevent assistance being rendered by an employee of the [*Health Licensing*
9 *Office*] **agency** in any hearing called by it. However, all obligations for salaries and expenses in-
10 curred under sections 1 to 11, chapter 736, Oregon Laws 1999, shall be paid only from the fees ac-
11 cruing to the [*Health Licensing Office*] **agency** under sections 1 to 11, chapter 736, Oregon Laws
12 1999.

13 (6) The [*Health Licensing Office*] **agency** shall provide the board with such administrative ser-
14 vices and employees as the board requires to carry out its duties.

15 (7) Maintain an accurate record of all proceedings of the board and of all its meetings, receipts
16 and disbursements, fines and orders for violation of sections 1 to 11, chapter 736, Oregon Laws 1999,
17 records for registration to practice athletic training together with the addresses of those registered,
18 and the names of all persons whose registration has been subject to disciplinary action.

19 (8) Investigate complaints, take disciplinary action, including assessment of civil fines, and pro-
20 vide opportunity for hearing according to ORS [*183.090*] **183.745**.

21 (9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas
22 in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are rea-
23 sonably necessary to carry out duties of the board granted under sections 1 to 11, chapter 736,
24 Oregon Laws 1999.

25 **SECTION 19.** Section 9, chapter 736, Oregon Laws 1999, is amended to read:

26 **Sec. 9.** (1) An athletic trainer registration is issued for a one-year period. All registrations shall
27 expire on the last day of the month, one year from the date of issuance.

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

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

34 (4) The [*Health Licensing Office*] **Oregon Health Licensing Agency** may refuse to grant or re-
35 new the registration of an athletic trainer whose registration has been denied, suspended, revoked
36 or lapsed for up to one year from the date of the denial of registration or renewal, or the date of
37 the order of suspension or revocation.

38 (5) The [*Health Licensing Office*] **agency** may vary the date of registration renewal by giving the
39 applicant written notice of the renewal date being assigned and by making prorated adjustments to
40 the renewal fee.

41 **SECTION 20.** Section 10, chapter 736, Oregon Laws 1999, as amended by section 50b, chapter
42 885, Oregon Laws 1999, and section 10, chapter 547, Oregon Laws 2003, is amended to read:

43 **Sec. 10.** (1) The [*Health Licensing Office, in order to carry out its duties, functions and powers*
44 *related to the Board of Athletic Trainers,*] **Oregon Health Licensing Agency** shall establish by rule
45 and collect fees **related to athletic trainers** for:

- 1 (a) Application for athletic trainer registrations, permits and waivers;
- 2 (b) Athletic trainer registration;
- 3 (c) Renewal of athletic trainer registration;
- 4 (d) Temporary practice registration;
- 5 (e) Examinations and reexaminations;
- 6 (f) Reinstatement;
- 7 (g) Delinquency in renewal of a registration;
- 8 (h) Duplication;
- 9 (i) Reciprocity; and
- 10 (j) Providing copies of official documents or records [*in specific formats*] and for recovering ad-
- 11 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

12 (2) All moneys received by the [*Health Licensing Office*] **agency** under subsection (1) of this
13 section shall be paid into the General Fund of the State Treasury and credited to the [*Health Li-*
14 *censing Office Account*] **Oregon Health Licensing Agency Account**, and are appropriated contin-
15 uously **to** and shall be used by the [*Health Licensing Office*] **agency** only for the administration and
16 enforcement of sections 1 to 11, chapter 736, Oregon Laws 1999.

17 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
18 to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-
19 ceed the cost of administering sections 1 to 11, chapter 736, Oregon Laws 1999, pertaining to the
20 purpose for which the fee is established, as authorized by the Legislative Assembly within the
21 [*Health Licensing Office's*] budget **of the agency**, as that budget may be modified by the Emergency
22 Board.

23 **SECTION 21.** Section 15, chapter 736, Oregon Laws 1999, is amended to read:

24 **Sec. 15.** (1) Any person actively engaged as an athletic trainer on [*the effective date of this 1999*
25 *Act*] **October 23, 1999**, will be considered registered under sections 1 to 11, **chapter 736, Oregon**
26 **Laws 1999**, [*of this 1999 Act*] if the person submits an application and payment of the application
27 and registration fees required by section 10, **chapter 736, Oregon Laws 1999** [*of this 1999 Act*], and
28 upon evaluation of the person's qualifications by the Board of Athletic Trainers, is found to have a
29 level of competence equal to that of one possessing the educational qualifications set forth in section
30 **8, chapter 736, Oregon Laws 1999** [*of this 1999 Act*]. In the evaluation, the board shall accept the
31 applicant's documentation of certification by the National Athletic Trainers Association Board of
32 Certification as proof that the applicant has met the required level of competence. For applicants
33 not having such certification, the [*Health Licensing Office*] **Oregon Health Licensing Agency** shall,
34 with the advice of the Board of Athletic Trainers, establish rules for examination and evaluation
35 that shall take into account the applicant's education, training and experience qualifications.

36 (2) Applications for a license under this section must be made within 180 days from [*the effective*
37 *date of this 1999 Act*] **October 23, 1999**.

38 **SECTION 22.** Section 11, chapter 547, Oregon Laws 2003, is amended to read:

39 **Sec. 11.** In the manner prescribed in ORS chapter 183 for contested cases and in consultation
40 with the Board of Athletic Trainers, the [*Health Licensing Office*] **Oregon Health Licensing Agency**
41 may impose a form of discipline listed in [*section 3 of this 2003 Act*] **ORS 676.612** against any person
42 practicing athletic training for any of the grounds listed in [*section 3 of this 2003 Act*] **ORS 676.612**
43 and for any violation of the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999, or the
44 rules adopted thereunder.

45 **SECTION 23.** ORS 680.500 is amended to read:

1 680.500. As used in ORS 680.500 to 680.570, unless the context requires otherwise:

2 (1) "Board" means the policy-making body known as the State Board of Denture Technology,
3 **established within the Oregon Health Licensing Agency.**

4 (2) "Denture" means any removable full and/or partial upper or lower prosthetic dental appli-
5 ance to be worn in the human mouth to replace any missing natural teeth.

6 (3) "Denturist" means a person licensed under ORS 680.500 to 680.570 to engage in the practice
7 of denture technology and who is authorized within their scope of practice to provide to the public
8 full or partial upper or lower dentures to be worn in the human mouth.

9 [(4) "*Health Licensing Office*" means the agency of oversight.]

10 [(5)] (4) "Practice of denture technology" means:

11 (a) Constructing, repairing, relining, reproducing, duplicating, supplying, fitting or altering any
12 denture in respect of which a service is performed under paragraph (b) of this subsection; and

13 (b) The taking of impressions, bite registrations, try-ins, and insertions of or in any part of the
14 human oral cavity for any of the purposes listed in paragraph (a) of this subsection.

15 **SECTION 24.** ORS 680.510 is amended to read:

16 680.510. The prohibitions of ORS 680.500 to 680.570 do not apply to:

17 (1) Any activity described in ORS 680.500 [(5)(a)] (4)(a) by a person acting under the supervision
18 of a denturist.

19 (2) The practice of dentistry or medicine by persons authorized to do so by this state, or any
20 other practices allowed under ORS chapters 677 and 679.

21 (3) A student of denture technology in pursuit of clinical studies under an approved school
22 program, or a person having met the formal educational requirements, who is operating, for no more
23 than two years, under the direct supervision of a denturist or a licensed dentist in pursuit of prac-
24 tical clinical experience as required for licensure by ORS 680.515 (1)(a) or (b).

25 **SECTION 25.** ORS 680.515 is amended to read:

26 680.515. (1) Upon application, and payment of required fees, the [*Health Licensing Office*] **Oregon**
27 **Health Licensing Agency** shall issue a license to practice denture technology to any applicant who:

28 (a) Furnishes satisfactory evidence that the applicant has successfully completed an associate
29 degree program in denture technology, or the equivalent in formal, post-secondary education, ap-
30 proved by the [*Health Licensing Office*] **agency** in consultation with the Oregon Student Assistance
31 Commission and the Department of Education. The educational program shall include pertinent
32 courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology empha-
33 sizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical
34 denture technology and denture laboratory technology;

35 (b) Furnishes satisfactory evidence that the applicant has successfully completed, during or after
36 post-secondary study, a minimum of 1,000 hours in the practice of denture technology under direct
37 supervision of an approved school or has completed the equivalent supervised experience, as deter-
38 mined by the [*Health Licensing Office*] **agency** in consultation with the Oregon Student Assistance
39 Commission and the Department of Education; and

40 (c) Performs to the satisfaction of the [*Health Licensing Office*] **agency** on a written and a
41 practical examination prescribed by the State Board of Denture Technology and given at least an-
42 nually. An applicant who fails the practical examination must complete an additional 1,000 hours
43 of clinical and laboratory training in an approved work experience program, as determined by the
44 board, to qualify for reexamination.

45 (2) Notwithstanding subsection (1)(a) of this section, the board may accept educational training

1 obtained in any other state or country if, upon review of satisfactory evidence, the [Health Licensing
2 Office] **agency** determines that the educational program in the other state or country meets the
3 educational standards prescribed under this section.

4 **SECTION 25a.** If House Bill 3219 becomes law, ORS 680.520, as amended by section 4, chapter
5 415, Oregon Laws 2005 (Enrolled House Bill 3219), is amended to read:

6 680.520. (1) Examinations of applicants for licensure under ORS 680.500 to 680.570 shall be held
7 at least once a year at such times and places as the State Board of Denture Technology may de-
8 termine. Timely and appropriate notice shall be given to each applicant.

9 (2) The examination shall be sufficiently thorough to determine the qualifications, fitness and
10 ability of the applicant to practice denture technology. The examination may be in the form of
11 written, oral or practical demonstration of skills, or a combination of any such types. The exam-
12 ination shall cover at least subjects listed in ORS 680.515 (1)(a) and any additional subjects required
13 by the [Health Licensing Office] **Oregon Health Licensing Agency** by rule that are based on
14 changes in industry technology, health care delivery systems, client safety or scientific infection
15 control techniques.

16 **SECTION 25b.** If House Bill 3219 becomes law, section 2, chapter 415, Oregon Laws 2005 (En-
17 rolled House Bill 3219), is amended to read:

18 **Sec. 2.** The [Health Licensing Office] **Oregon Health Licensing Agency** may issue a license to
19 practice denture technology, without examination, to any person who:

20 (1) Submits an application and pays the fees required under ORS 680.525;

21 (2) Has satisfied the educational requirements established by ORS 680.515 (1);

22 (3) On the date of submitting the application is a dentist licensed under the laws of any other
23 state or territory of the United States, if the requirements for licensing of denturists in the other
24 state or territory are not less than those required in ORS 680.500 to 680.570 and the applicant has
25 passed a written and practical examination that is substantially similar to the examination required
26 for licensure in this state; and

27 (4) Has engaged in the active practice of denture technology for no fewer than 3,500 hours in
28 the five years immediately preceding the date of application for licensure under this section.

29 **SECTION 26.** ORS 680.525 is amended to read:

30 680.525. (1) The [Health Licensing Office, in order to carry out its duties, functions and powers
31 related to the State Board of Denture Technology,] **Oregon Health Licensing Agency** shall establish
32 by rule fees **related to denture technologists** to be collected for:

33 (a) Application;

34 (b) Examinations;

35 (c) License;

36 (d) License renewal;

37 (e) License restoration;

38 (f) Replacement or duplicate license;

39 (g) Delinquency; and

40 (h) Providing copies of official documents or records [*in specific formats*] and for recovering ad-
41 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

42 (2) All moneys received by the [Health Licensing Office] **agency** under subsection (1) of this
43 section shall be paid into the General Fund of the State Treasury and credited to the [Health Li-
44 censing Office Account] **Oregon Health Licensing Agency Account**, and are appropriated contin-
45 uously **to** and shall be used by the [Health Licensing Office] **agency** only for the administration and

1 enforcement of ORS 680.500 to 680.570.

2 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
3 to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-
4 ceed the cost of administering ORS 680.500 to 680.570 pertaining to the purpose for which the fee
5 is established, as authorized by the Legislative Assembly within the [*Health Licensing Office's*]
6 budget **of the agency**, as that budget may be modified by the Emergency Board.

7 **SECTION 27.** ORS 680.530 is amended to read:

8 680.530. (1)(a) Licenses to practice denture technology issued by the [*Health Licensing Office*]
9 **Oregon Health Licensing Agency** shall expire one year from the date of issuance unless renewed
10 on or before the expiration date by payment of the required renewal fee and submission of satis-
11 factory evidence of completion of continuing education courses as specified by rule.

12 (b) Notwithstanding paragraph (a) of this subsection, the agency may vary the renewal date of
13 a license by giving the applicant written notice of the renewal date being assigned and by making
14 prorated adjustments to the renewal fee.

15 (2) A license that has expired less than one year before the date of application for renewal may
16 be renewed upon application for renewal and payment of the required renewal fee and delinquency
17 fee and upon submission of satisfactory evidence of completion of continuing education as specified
18 by rule.

19 (3) A license that has expired more than one year before the date of application for renewal but
20 less than three years may be renewed upon application for renewal and payment of the required
21 renewal fee and restoration fee and upon submission of satisfactory evidence of completion of con-
22 tinuing education as specified by rule.

23 (4) A license that has expired more than three years before the date of application for renewal
24 may be reinstated upon application for reinstatement, payment of the prescribed license fee and
25 submission of evidence satisfactory to the [*Health Licensing Office*] **agency** of clinical competence
26 as determined by rule.

27 (5) The [*Health Licensing Office*] **agency** may refuse to issue or renew the license of a denturist
28 whose license has been denied, suspended or revoked and not renewed under ORS 676.612 for up to
29 one year from the date of denial of the license or the renewal or the date of the order of suspension
30 or revocation.

31 **SECTION 28.** ORS 680.535 is amended to read:

32 680.535. In the manner prescribed in ORS chapter 183 for contested cases, the [*Health Licensing*
33 *Office*] **Oregon Health Licensing Agency** may impose a form of discipline listed in ORS 676.612
34 against any person practicing denture technology for any of the grounds listed in ORS 676.612 and
35 for any violation of the provisions of ORS 680.500 to 680.570, or the rules adopted thereunder.

36 **SECTION 29.** ORS 680.550 is amended to read:

37 680.550. The State Board of Denture Technology shall establish policies and criteria for the as-
38 sessment of the quality of the practice of denture technology based on practice standards subject
39 to the approval of the [*Health Licensing Office*] **Oregon Health Licensing Agency**.

40 **SECTION 30.** ORS 680.556 is amended to read:

41 680.556. (1) There is established, within the [*Health Licensing Office*] **Oregon Health Licensing**
42 **Agency**, the State Board of Denture Technology.

43 (2) The board shall consist of seven members appointed by the Governor.

44 (3) Four members shall be active licensed denturists, one member shall be an Oregon licensed
45 dentist in active practice and two members shall be public members who do not possess the profes-

1 sional qualifications of other members.

2 (4) The term of office of each member is three years, but a member serves at the pleasure of the
3 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
4 whose term begins on July 1 next following. A member is eligible for reappointment. If a person
5 serves two consecutive terms, a period of three years must pass before the person may be appointed
6 to the board again. If there is a vacancy for any cause, the Governor shall make an appointment to
7 become immediately effective for the unexpired term.

8 (5) The *[Health Licensing Office]* **agency** shall provide the board with such administrative ser-
9 vices and employees as the board requires to carry out its duties for the administration of ORS
10 680.500 to 680.570 and 680.990 (2).

11 (6) The *[Health Licensing Office]* **agency** shall not prescribe minimum educational or training
12 requirements in excess of those specified in ORS 680.515.

13 (7) Members of the board, or its appointed committees, shall be entitled to compensation and
14 expenses as provided in ORS 292.495 from funds available under ORS 680.570.

15 **SECTION 30a. If House Bill 3219 becomes law, section 30 of this 2005 Act (amending ORS**
16 **680.556) is repealed and ORS 680.556, as amended by section 5, chapter 415, Oregon Laws 2005**
17 **(Enrolled House Bill 3219), is amended to read:**

18 680.556. (1) There is established, within the *[Health Licensing Office]* **Oregon Health Licensing**
19 **Agency**, the State Board of Denture Technology.

20 (2) The board shall consist of seven members appointed by the Governor.

21 (3) Four members shall be active licensed denturists, one member shall be an Oregon licensed
22 dentist in active practice and two members shall be public members who do not possess the profes-
23 sional qualifications of other members.

24 (4) The term of office of each member is three years, but a member serves at the pleasure of the
25 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
26 whose term begins on July 1 next following. A member is eligible for reappointment. If a person
27 serves two consecutive terms, a period of three years must pass before the person may be appointed
28 to the board again. If there is a vacancy for any cause, the Governor shall make an appointment to
29 become immediately effective for the unexpired term.

30 (5) The *[Health Licensing Office]* **agency** shall provide the board with such administrative ser-
31 vices and employees as the board requires to carry out its duties for the administration of ORS
32 680.500 to 680.570 and 680.990 (2).

33 (6) Members of the board, or its appointed committees, shall be entitled to compensation and
34 expenses as provided in ORS 292.495 from funds available under ORS 680.570.

35 **SECTION 31.** ORS 680.565 is amended to read:

36 680.565. (1) The *[Health Licensing Office]* **Oregon Health Licensing Agency** has such authority
37 as is reasonably necessary to administer ORS 680.500 to 680.570 and 680.990 (2), including the au-
38 thority to adopt rules pursuant to ORS chapter 183.

39 (2) The Director of the *[Health Licensing Office]* **Oregon Health Licensing Agency** shall keep
40 a record of all proceedings of the State Board of Denture Technology including a register of all
41 persons licensed to practice denture technology.

42 (3) When the agency is satisfied that the applicant for licensure under ORS 680.500 to 680.570
43 has complied with all the requirements, it shall issue to such applicant an appropriate license under
44 ORS 680.500 to 680.570.

45 **SECTION 32.** ORS 680.570 is amended to read:

1 680.570. All moneys received by the [*Health Licensing Office*] **Oregon Health Licensing Agency**
2 under ORS 679.025, 680.500 to 680.570 and 743.713 shall be paid into the General Fund in the State
3 Treasury and placed to the credit of the [*Health Licensing Office Account*] **Oregon Health Licensing**
4 **Agency Account**, and such moneys [*hereby*] are appropriated continuously **to** and shall be used **by**
5 **the agency** only for the administration and enforcement of ORS 679.025, 680.500 to 680.570, 680.990
6 (2) and 743.713.

7 **SECTION 33.** ORS 687.420 is amended to read:

8 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifica-
9 tions for the licensure of direct entry midwives. Such standards shall include:

10 (a) Sufficient knowledge in the following areas:

11 (A) Techniques in taking patient histories;

12 (B) Anatomy and physiology of the female reproductive system;

13 (C) Appropriate use of diagnostic testing;

14 (D) Necessity for referral;

15 (E) Pathology in childbirth;

16 (F) Mechanisms of labor;

17 (G) Aseptic techniques;

18 (H) Postpartum care;

19 (I) Examinations of newborn infants; and

20 (J) Family planning;

21 (b) Successful passage of written and oral examinations; [*and*]

22 (c) Participation in:

23 (A) 25 assisted deliveries;

24 (B) 25 deliveries for which the midwife was the primary care provider;

25 (C) 100 prenatal care visits;

26 (D) 25 newborn examinations; and

27 (E) 40 postnatal examinations;

28 (d) Current certification in cardiopulmonary resuscitation for infants and adults; and

29 (e) A written plan for emergency transport.

30 (2) Any person who desires to become licensed as a direct entry midwife shall submit an appli-
31 cation to the [*Health Licensing Office*] **Oregon Health Licensing Agency** stating the applicant's
32 qualifications for licensure. If the applicant meets the standards established under subsection (1) of
33 this section and the applicant is not disqualified from licensure under ORS 676.612, the agency shall
34 issue an annual license to the direct entry midwife. The agency shall impose a fee for licensure and
35 examination in the amount established pursuant to ORS 687.435.

36 (3) Any direct entry midwife licensed under this section is entitled to payment under the rules
37 of the medical assistance program for services provided to any eligible recipient of medical assist-
38 ance.

39 **SECTION 34.** ORS 687.425 is amended to read:

40 687.425. (1) A license issued by the [*Health Licensing Office*] **Oregon Health Licensing Agency**
41 for a direct entry midwife shall expire after one year. The agency shall renew a license upon receipt
42 of the renewal application and fee and proof of current cardiopulmonary resuscitation certification
43 for infants and adults, if the applicant is otherwise in compliance with the rules adopted by the State
44 Board of Direct Entry Midwifery and the agency.

45 (2) The agency shall establish a procedure for the renewal of licenses. Notwithstanding sub-

1 section (1) of this section, the agency may vary the renewal date of a license by giving the applicant
2 written notice of the renewal date being assigned and by making prorated adjustments to the re-
3 newal fee.

4 (3) The board shall prescribe requirements for license renewal including, but not limited to,
5 continuing education that must include training in use of legend drugs and devices. In addition to
6 continuing education requirements, a midwife who has attended fewer than five births in the previ-
7 ous year shall be required to take an additional 10 hours of continuing education as prescribed by
8 the board. All licensing requirements shall be approved by the board by rule.

9 (4) Any license that is not renewed shall automatically revert to inactive status. The license
10 may be reactivated only if the license holder meets other qualifications for reactivation as pre-
11 scribed by the agency in consultation with the [State] board [of *Direct Entry Midwifery*].

12 (5) The agency may mail a notice of renewal to the last-known address of the license holder.

13 **SECTION 35.** ORS 687.430 is amended to read:

14 687.430. A person licensed to practice direct entry midwifery under the laws of another state
15 who demonstrates to the satisfaction of the [Health Licensing Office] **Oregon Health Licensing**
16 **Agency** that the person has passed a written examination at least equal to the written examination
17 required of persons eligible for licensure under ORS 687.405 to 687.495 may have the written exam-
18 ination waived pursuant to standards of the **State Board of Direct Entry Midwifery**.

19 **SECTION 36.** ORS 687.435 is amended to read:

20 687.435. (1) The [Health Licensing Office] **Oregon Health Licensing Agency** shall, **in consul-**
21 **tation with the State Board of Direct Entry Midwifery**, establish **by rule and collect** fees. [to
22 carry out the duties, functions and powers of the State Board of Direct Entry Midwifery.] Fees estab-
23 lished pursuant to this section [shall] **may** not exceed the following:

- 24 (a) License application, \$100;
- 25 (b) Initial license, \$2,000;
- 26 (c) Annual renewal for active license, \$2,000;
- 27 (d) Written examination, \$500;
- 28 (e) Oral examination, \$150;
- 29 (f) Late fee, \$50;
- 30 (g) Duplicate license, \$25;
- 31 (h) Reciprocity license, \$500; and
- 32 (i) License reactivation, \$500.

33 (2) Fees established pursuant to subsection (1) of this section shall be subject to prior approval
34 by the Oregon Department of Administrative Services and a report to the Emergency Board prior
35 to adopting fees. The fees shall be within the budget authorized by the Legislative Assembly as that
36 budget may be modified by the Emergency Board. The fees shall not exceed the cost of administering
37 the program or the purpose for which the fee is established as authorized by the Legislative As-
38 sembly for the board's budget, or as modified by the Emergency Board of future sessions of the
39 Legislative Assembly.

40 (3) All moneys received by the [Health Licensing Office] **agency** under this section shall be paid
41 into the General Fund of the State Treasury and credited to the [Health Licensing Office Account]
42 **Oregon Health Licensing Agency Account**, and are appropriated continuously **to** and shall be
43 used by the [Health Licensing Office] **agency** only for the administration and enforcement of ORS
44 687.405 to 687.495.

45 (4) In addition to the fees established under subsection (1) of this section, the [Health Licensing

1 *Office*] **agency** may assess fees for providing copies of official documents or records [*in specific for-*
2 *mats*] and for recovering administrative costs associated with compiling, photocopying or preparing
3 and delivering the records.

4 **SECTION 37.** ORS 687.445 is amended to read:

5 687.445. In the manner prescribed in ORS chapter 183 for contested cases and in consultation
6 with the State Board of Direct Entry Midwifery, the [*Health Licensing Office*] **Oregon Health Li-**
7 **censing Agency** may impose a form of discipline specified in ORS 676.612 against any person
8 practicing direct entry midwifery for any of the grounds listed in ORS 676.612 and for any violation
9 of the provisions of ORS 687.405 to 687.495, or the rules adopted thereunder.

10 **SECTION 38.** ORS 687.470 is amended to read:

11 687.470. There is established within the [*Health Licensing Office*] **Oregon Health Licensing**
12 **Agency** the State Board of Direct Entry Midwifery consisting of seven members appointed by the
13 Governor. Each member of the board shall serve a term of three years and until a successor is ap-
14 pointed and qualified. If there is a vacancy for any cause, the Governor shall make an appointment
15 to become immediately effective for the unexpired term. All appointments of members of the board
16 are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. The
17 membership of the board shall include:

18 (1) Four licensed direct entry midwives.

19 (2) Two certified nurse midwives.

20 (3) One physician licensed under ORS chapter 677 involved at the time of appointment in
21 obstetrical care or education.

22 **SECTION 39.** ORS 687.485 is amended to read:

23 687.485. In addition to the powers otherwise granted by ORS 687.405 to 687.495, the [*Health Li-*
24 *censing Office*] **Oregon Health Licensing Agency**, in consultation with the State Board of Direct
25 Entry Midwifery, may:

26 (1) Determine whether applicants meet the qualifications under ORS 687.405 to 687.495, conduct
27 examinations and grant licenses to qualified applicants upon compliance with the rules of the board
28 and the agency;

29 (2) Do any act necessary or proper to effect and carry out the duties required of the agency by
30 ORS 687.405 to 687.495;

31 (3) Adopt rules for the administration of ORS 687.405 to 687.495; and

32 (4) Accept and expend donations, contributions and grant funds for the purposes of ORS 687.405
33 to 687.495.

34 **SECTION 40.** ORS 687.490 is amended to read:

35 687.490. (1) Any information provided to the State Board of Direct Entry Midwifery or the
36 [*Health Licensing Office*] **Oregon Health Licensing Agency** under ORS 687.445 is confidential and
37 [*shall not be*] **is not** subject to public disclosure or admissible as evidence in any judicial proceeding.

38 (2) Any person who in good faith provides information to the board or the agency [*shall not*
39 *be*] **is not** subject to an action for civil damages as a result thereof.

40 **SECTION 41.** ORS 687.495 is amended to read:

41 687.495. In cooperation with the State Board of Direct Entry Midwifery, the [*Health Licensing*
42 *Office*] **Oregon Health Licensing Agency** shall collect and report data on births for which a direct
43 entry midwife was the primary care provider. The report shall distinguish outcomes between li-
44 censed direct entry midwives and direct entry midwives who are not licensed under ORS 687.405 to
45 687.495.

1 **SECTION 42.** ORS 688.800 is amended to read:

2 688.800. As used in ORS 688.800 to 688.840:

3 [(1) “Agency” means the Health Licensing Office.]

4 [(2)] (1) “Board” means the Respiratory Therapist Licensing Board, **established within the**
5 **Oregon Health Licensing Agency.**

6 [(3)] (2) “Qualified medical director” means the medical director of any inpatient or outpatient
7 respiratory care service, department or home care agency who is a physician licensed by the State
8 of Oregon and who has special interest and knowledge in the diagnosis and treatment of respiratory
9 problems.

10 [(4)] (3) “Respiratory care” means the treatment, management, diagnostic testing, control and
11 care of patients with deficiencies and abnormalities associated with the cardiopulmonary system in
12 accordance with the prescription of a licensed physician and under a qualified medical director.
13 “Respiratory care” includes, but is not limited to:

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

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

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

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

27 (e) The initiation of emergency procedures under the rules of the board or as otherwise per-
28 mitted under ORS 688.800 to 688.840.

29 [(5)] (4) “Respiratory care practitioner” means a person licensed under ORS 688.800 to 688.840.

30 [(6)] (5) “Respiratory care services” means cardiopulmonary care services rendered in accord-
31 ance with the prescription of a licensed physician and includes, but is not limited to, the diagnostic
32 and therapeutic use of the following:

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

35 (b) Environmental control mechanisms and hyperbaric therapy;

36 (c) Pharmacologic agents related to respiratory care procedures;

37 (d) Mechanical or physiological ventilatory support;

38 (e) Bronchopulmonary hygiene;

39 (f) Cardiopulmonary resuscitation;

40 (g) Maintenance of the natural airway;

41 (h) Maintenance of artificial airways;

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

1 and

2 (j) Hemodynamic and other related physiologic measurements of the cardiopulmonary system.

3 **SECTION 43.** ORS 688.815 is amended to read:

4 688.815. (1) An applicant for a license to practice respiratory care shall submit to the [*Health*
5 *Licensing Office*] **Oregon Health Licensing Agency** written evidence, verified by oath, that the
6 applicant:

7 (a) Is at least 18 years of age;

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

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

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

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

17 (a) An applicant who is currently licensed to practice respiratory care under the laws of another
18 state, territory or country if the qualifications of the applicant are considered by the agency to be
19 equivalent to those required in this state.

20 (b) An applicant holding a credential conferred by the National Board for Respiratory Care as
21 a Certified Respiratory [*Therapy Technician (CRTT)*] **Therapist (CRT)** or as a Registered Respir-
22 atory Therapist (RRT), or both, providing such credential has not been suspended or revoked.

23 **SECTION 44.** ORS 688.820 is amended to read:

24 688.820. (1) There is established within the [*Health Licensing Office*] **Oregon Health Licensing**
25 **Agency** the Respiratory Therapist Licensing Board, consisting of five members appointed by the
26 Governor.

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

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

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

37 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

38 **SECTION 45.** ORS 688.830 is amended to read:

39 688.830. (1) The [*Health Licensing Office in consultation with the Respiratory Therapist Licensing*
40 *Board*] **Oregon Health Licensing Agency** shall:

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

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

45 (c) Examine, approve, issue, deny, revoke, suspend and renew licenses to practice respiratory

1 care under ORS 688.800 to 688.840.

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

3 (2) The Respiratory Therapist Licensing Board shall:

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

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

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

10 (d) Provide for waivers of examinations, grandfathering requirements and temporary licenses as
11 considered appropriate.

12 **SECTION 46.** ORS 688.834 is amended to read:

13 688.834. (1) The [*Health Licensing Office, in order to carry out its duties, functions and powers*
14 *related to the Respiratory Therapist Licensing Board,*] **Oregon Health Licensing Agency** shall es-
15 tablish by rule and collect fees **related to respiratory therapists** for:

16 (a) Application;

17 (b) Examinations;

18 (c) License;

19 (d) License renewal;

20 (e) License restoration;

21 (f) Replacement or duplicate license;

22 (g) Delinquency; and

23 (h) Providing copies of official documents or records [*in specific formats*] and for recovering ad-
24 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

25 (2) All moneys received by the [*Health Licensing Office*] **agency** under subsection (1) of this
26 section shall be paid into the General Fund of the State Treasury and credited to the [*Health Li-*
27 *censing Office Account*] **Oregon Health Licensing Agency Account**, and are appropriated contin-
28 uously **to** and shall be used by the [*Health Licensing Office*] **agency** only for the administration and
29 enforcement of ORS 688.800 to 688.840.

30 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
31 to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-
32 ceed the cost of administering ORS 688.800 to 688.840 pertaining to the purpose for which the fee
33 is established, as authorized by the Legislative Assembly within the [*Health Licensing Office's*]
34 budget **of the agency**, as that budget may be modified by the Emergency Board.

35 **SECTION 47.** ORS 688.836 is amended to read:

36 688.836. In the manner prescribed in ORS chapter 183 for contested cases, **the Oregon Health**
37 **Licensing Agency** [*and in consultation with the Respiratory Therapist Licensing Board, the Health*
38 *Licensing Office*] may impose a form of discipline specified in ORS 676.612 against any person prac-
39 ticing respiratory care for any of the grounds listed in ORS 676.612 and for any violation of the
40 provisions of ORS 688.800 to 688.840, or the rules adopted thereunder.

41 **SECTION 48.** ORS 688.840 is amended to read:

42 688.840. The Respiratory Therapist Licensing Board and its members and the [*Health Licensing*
43 *Office*] **Oregon Health Licensing Agency** and its employees and contractors are immune from any
44 civil liability arising from good faith actions taken pursuant to ORS 688.800 to 688.840.

45 **SECTION 49.** ORS 670.304 is amended to read:

1 670.304. Except as otherwise specifically provided, ORS 670.300 to 670.410 apply to the following
2 professional licensing and advisory boards:

3 (1) Professional licensing and advisory boards established in the Office of the Secretary of State.

4 (2) The Oregon Board of Maritime Pilots, in the Department of Transportation.

5 (3) The Board of Cosmetology, in the [*Health Licensing Office*] **Oregon Health Licensing**
6 **Agency**.

7 (4) The State Board of Architect Examiners.

8 (5) The State Landscape Contractors Board.

9 (6) The State Board of Examiners for Engineering and Land Surveying.

10 (7) State Landscape Architect Board.

11 (8) State Board of Geologist Examiners.

12 (9) State Board of Tax Practitioners.

13 (10) Oregon Board of Accountancy.

14 (11) The Construction Contractors Board.

15 **SECTION 50.** ORS 690.005 is amended to read:

16 690.005. As used in ORS 690.005 to 690.235:

17 [(1) "*Agency*" means the *Health Licensing Office*.]

18 [(2)] (1) "Barbering" means any of the following practices, when done upon the human body for
19 cosmetic purposes and not for the treatment of disease or physical or mental ailments:

20 (a) Shampooing, arranging, styling, curling, cutting, temporarily waving, singeing, cleansing and
21 conditioning of the hair of an individual.

22 (b) Applying hair tonics, dressings and rinses.

23 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
24 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such
25 appliances shall not be galvanic or faradic.

26 (d) Shaving, trimming or cutting of the beard or mustache.

27 [(3)] (2) "Board" means the Board of Cosmetology, **created within the Oregon Health Li-**
28 **censing Agency**.

29 [(4)] (3) "Certificate" means a written authorization for the holder to perform in one or more
30 fields of practice.

31 [(5)] (4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and
32 hair. "Cosmetology" includes the study of cosmetics and their application.

33 [(6)] (5) "Demonstration permit" means a written authorization for a person to practice, dem-
34 onstrate and teach one or more fields of practice on a temporary basis.

35 [(7)] (6) "Facial technology" means the use of the hands, mechanical or electrical apparatus or
36 appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing,
37 stimulating, manipulating, exercising, beautifying or similar work performed on the human face and
38 neck above the seventh vertebra for cosmetic purposes and not for the treatment of disease or
39 physical or mental ailments.

40 [(8)] (7) "Facility" means an establishment operated on a regular or irregular basis for the pur-
41 pose of providing services in one or more fields of practice.

42 [(9)] (8) "Field of practice" means:

43 (a) Barbering.

44 (b) Facial technology.

45 (c) Hair design.

1 (d) Nail technology.

2 [(10)] (9) "Hair design" means, when done upon the human body for cosmetic purposes and not
3 for the treatment of disease or physical or mental ailments any one or more of the following prac-
4 tices:

5 (a) Shaving, trimming or cutting of the beard or mustache.

6 (b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting,
7 singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or
8 similar work upon the hair of an individual.

9 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
10 (a) or (b) of this subsection.

11 [(11)] (10) "Independent contractor" means a practitioner who qualifies as an independent con-
12 tractor under ORS 670.600 and who is not under the control and direction of a facility license
13 holder.

14 [(12)] (11) "License" means a written authorization issued under ORS 690.055 to a person to
15 operate a facility for providing services related to one or more fields of practice to the public.

16 [(13)] (12) "Nail technology" means manicuring or pedicuring performed for cosmetic purposes
17 and not for treatment of disease or physical or mental ailments. "Manicuring or pedicuring" in-
18 cludes:

19 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
20 hands or feet;

21 (b) Massaging, cleansing, treating or beautifying the hands or feet; and

22 (c) Applying, sculpturing and removing of artificial nails of the hands.

23 [(14)] (13) "Practitioner" means a person certified to perform services included within a field of
24 practice.

25 [(15)] (14) "Registration" means a written authorization issued to an independent contractor to
26 hold forth to the public as a business entity providing services in a field of practice.

27 [(16)] (15) "School" means an educational establishment that has a license issued by the De-
28 partment of Education and is operated for the purpose of teaching one or more fields of practice.

29 [(17)] (16) "Temporary facility permit" means a written authorization issued under ORS 690.055
30 to provide services on a temporary basis in one or more fields of practice.

31 **SECTION 51.** ORS 690.015 is amended to read:

32 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-
33 ing, facial technology and nail technology. The prohibitions under this section are subject to the
34 exemptions under ORS 690.025. A person who *[violates a prohibition]* **commits an act prohibited**
35 under this section is subject to the penalties under ORS 690.992 in addition to any administrative
36 action taken by *[the Board of Cosmetology under ORS 690.075]* or any civil penalty imposed by the
37 *[Health Licensing Office]* **Oregon Health Licensing Agency** under ORS 676.612. *[A person violates*
38 *a prohibition under this section if the person does any of the following:]*

39 **(2) A person may not:**

40 [(1)] (a) *[Performs or attempts]* **Perform or attempt** to perform as a practitioner without a
41 certificate, demonstration permit or certificate of identification.

42 [(2)] (b) *[Operates]* **Operate** a facility without a license or temporary facility permit.

43 [(3)] (c) *[Operates]* **Operate** a facility unless it is at all times under the direct supervision of a
44 practitioner.

45 [(4)] (d) *[Practices]* **Practice** hair design, barbering, facial technology or nail technology as an

1 independent contractor without a registration.

2 [(5)] (e) [Displays] **Display** a sign or in any way [advertises] **advertise** or [purports] **purport** to
3 offer services in a field of practice without first obtaining a permit, certificate, independent con-
4 tractor registration or facility license.

5 [(6)] (f) Knowingly [makes] **make** a false statement on an application to obtain or renew a cer-
6 tificate, registration, license or permit or to obtain a certificate of identification.

7 [(7)] (g) [Allows] **Allow** an individual in the employ or under the supervision or control of the
8 person to perform in a field of practice without a certificate or permit.

9 [(8)] (h) [Sells, barter or offers] **Sell, barter or offer** to sell or barter a document evidencing
10 a certificate, registration, license, permit or certificate of identification.

11 [(9)] (i) [Purchases or procures] **Purchase or procure** by barter a document evidencing a cer-
12 tificate with intent to use it as evidence of the person's qualification as a practitioner.

13 [(10)] (j) Materially [alters] **alter** with fraudulent intent a document evidencing a certificate,
14 registration, license, permit or certificate of identification.

15 [(11)] (k) [Uses or attempts] **Use or attempt** to use as valid a fraudulently obtained,
16 counterfeited or materially altered document evidencing a certificate, registration, license, permit
17 or certificate of identification.

18 **SECTION 52.** ORS 690.035 is amended to read:

19 690.035. A person desiring to obtain a certificate or demonstration permit shall apply in writing
20 to the [Board of Cosmetology] **Oregon Health Licensing Agency** on a form approved by the
21 [board] **agency**. Each application shall contain an affirmation by the applicant that the information
22 contained therein is accurate. The application must also include evidence establishing to the satis-
23 faction of the [board] **agency** that the applicant possesses the necessary qualifications.

24 **SECTION 53.** ORS 690.048 is amended to read:

25 690.048. (1) The [Health Licensing Office] **Oregon Health Licensing Agency** shall issue a cer-
26 tificate to each applicant who qualifies under ORS 690.046. The certificate is prima facie evidence
27 of the right of the holder to practice **in** a field of practice for which the holder has qualified and
28 purports to be a practitioner.

29 (2) A certificate must show the practitioner's name, address, certificate number, expiration date
30 and field of practice for which the practitioner is qualified to perform services.

31 **SECTION 54.** ORS 690.055 is amended to read:

32 690.055. (1) To be issued a license to operate a facility, each applicant shall:

33 (a) Be 18 years of age or older, if the applicant is a natural person.

34 (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection
35 control.

36 (c) Comply with the applicable health and safety laws and rules of the Department of Human
37 Services and any other state agencies.

38 (d) Pay the [application fee] **required fees**.

39 **(e) If the applicant is an entity other than a natural person, be formed and operated in
40 accordance with Oregon law.**

41 [(2) A license shall confer the right to a facility owner to operate the facility and to advertise the
42 services for which the facility is licensed.]

43 [(3) A facility must at all times be under the direct supervision of a practitioner.]

44 [(4)] (2) To be issued a temporary facility permit, each applicant must:

45 (a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar

1 days and in accordance with rules of the board.

2 (b) Be 18 years of age or older, if the applicant is a natural person.

3 (c) Be under the direct supervision of a practitioner at all times the facility is open for business.

4 (d) Apply on forms prescribed by the [*Health Licensing Office*] **Oregon Health Licensing**
5 **Agency** prior to opening for business.

6 (e) Comply with the rules of the board concerning health, safety and infection control.

7 (f) Comply with the applicable health and safety laws and rules of the Department of Human
8 Services and any other state agencies.

9 (g) Pay the appropriate application and permit fees.

10 (h) If the applicant is an entity other than a natural person, be formed and operated in accord-
11 ance with Oregon law.

12 **(3) The agency may issue a single facility license to an applicant pursuant to section 10**
13 **of this 2005 Act.**

14 **(4) A license issued under this section shall confer on a facility owner the right to oper-**
15 **ate the facility and to advertise the services for which the facility is licensed.**

16 **(5) A facility must at all times be under the direct supervision of a practitioner.**

17 **SECTION 55.** ORS 690.057 is amended to read:

18 690.057. (1) To be issued a registration to operate as an independent contractor, each applicant
19 shall:

20 (a) Be 18 years of age or older.

21 (b) Comply with the rules of the Board of Cosmetology concerning health, safety and infection
22 control.

23 (c) Comply with the applicable health and safety laws and rules of the Department of Human
24 Services and any other state agencies.

25 (d) Pay the [*application fee*] **required fees.**

26 (2) A registration shall confer the right to an independent contractor to advertise and directly
27 offer practitioner services to the public in a licensed facility or a facility operating under a tempo-
28 rary facility permit.

29 **SECTION 56.** ORS 690.085 is amended to read:

30 690.085. (1) All practitioner certificates shall expire on the last day of the month, two years from
31 the date of issuance, unless renewed prior to the expiration date by payment of the required renewal
32 fee and compliance with other requirements as established by the Board of Cosmetology.

33 (2) All registrations and licenses shall expire on the last day of the month, one year from the
34 date of issuance, unless renewed prior to the expiration date by payment of the required renewal fee
35 and compliance with other requirements as established by the board.

36 (3) The [*board*] **Oregon Health Licensing Agency** may vary the date of certificate, registration
37 and license renewal by giving to the applicant written notice of the renewal date being assigned and
38 by making prorated adjustments to the renewal fee.

39 (4) A certificate, registration or license not renewed before it expires may be renewed by pay-
40 ment of the required renewal and late fees and by compliance with other requirements for renewal
41 as determined by the board.

42 (5) A certificate that has not been renewed for a period of two years after date of expiration
43 may be renewed and restored if the applicant:

44 (a) Submits an application for certification;

45 (b) Satisfactorily passes the examination required by ORS 690.065; and

1 (c) Submits payment of the application, examination and certificate fees at the time of reappli-
2 cation.

3 **SECTION 57.** ORS 690.105 is amended to read:

4 690.105. (1) A person not certified under ORS 690.048 who wishes to practice, demonstrate and
5 teach a field of practice, or perform a field of practice, temporarily and primarily for educational
6 purposes and who is otherwise qualified as determined by the Board of Cosmetology shall first ob-
7 tain a demonstration permit from the [board] **Oregon Health Licensing Agency**.

8 (2) The permit shall specify:

9 (a) The purpose for which it is granted.

10 (b) The period during which the person is permitted to practice, demonstrate and teach, which
11 period shall not exceed 30 days.

12 (c) The time and place of exercising the privilege granted by the permit.

13 (3) A person may be granted a permit if the person:

14 (a) Makes application to the [board] **agency** for the permit.

15 (b) Is currently licensed or certified to practice or teach a field of practice in another state and
16 presents satisfactory evidence of that fact to the [board] **agency**, or is otherwise qualified as de-
17 termined by the board.

18 (c) Describes the purpose for which the permit is sought.

19 (d) Pays the required application and permit fees.

20 **SECTION 58.** ORS 690.123 is amended to read:

21 690.123. (1) The [Health Licensing Office] **Oregon Health Licensing Agency** may issue a prac-
22 titioner a certificate of identification to practice outside of or away from a licensed facility.

23 (2) The Board of Cosmetology shall determine requirements and the agency shall establish fees
24 for issuance of a certificate of identification.

25 (3) Practitioners performing services outside of a licensed facility under the provisions of a
26 certificate of identification shall comply with the safety and infection control requirements under
27 ORS 690.165 and 690.205 and rules adopted thereunder.

28 **SECTION 59.** ORS 690.155 is amended to read:

29 690.155. (1) There is created within the [Health Licensing Office] **Oregon Health Licensing**
30 **Agency** the Board of Cosmetology consisting of seven members appointed by the Governor. Each
31 member of the board shall serve for a term of three years and until a successor is appointed and
32 qualified. At all times the membership of the board shall be so constituted that:

33 (a) Six members of the board shall be practitioners with valid certificates.

34 (b) One member shall be a public member who is not a practitioner.

35 (2) A person is not eligible for appointment as a member of the board if the person has previ-
36 ously served two terms.

37 (3) A member of the board serves at the pleasure of the Governor. Vacancies shall be filled by
38 the Governor, by appointment for the unexpired term.

39 (4) The Director of the [Health Licensing Office] **Oregon Health Licensing Agency**, or a des-
40 ignated representative, shall serve as an ex officio member of the board but without the right to
41 vote.

42 **SECTION 60.** ORS 690.165 is amended to read:

43 690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.235, the
44 Board of Cosmetology shall have the power to:

45 (1) Determine whether applicants are qualified to take certification examinations.

1 (2) Administer, approve or recognize certification examinations and designate the time, place
2 and administrators of certification examinations.

3 (3) Contract for the administration of examinations as part of regional or national examinations
4 and contract with independent testing services for examination administration.

5 (4) **Pursuant to ORS 676.607**, direct the [*Health Licensing Office*] **Oregon Health Licensing**
6 **Agency** to issue certificates, registrations, licenses, permits and certificates of identification to in-
7 dividuals determined by the board to be qualified.

8 (5) Except as otherwise provided in ORS 690.205 (2) or other provision of law, adopt rules es-
9 tablishing and enforcing standards for safety, infection control, professional conduct and any other
10 matters relating to fields of practice, facilities or locations used by persons providing services reg-
11 ulated by ORS 690.005 to 690.235.

12 (6) **Pursuant to ORS 676.612 and 690.167**, direct the [*Health Licensing Office*] **agency** to sus-
13 pend, revoke, limit or refuse to issue or renew certificates, registrations, licenses or permits or im-
14 pose a period of probationary activity on the holder thereof.

15 (7) Do any act necessary or proper to effect and carry out the duties required of the board by
16 ORS 690.005 to 690.235.

17 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,
18 barbering, facial technology or nail technology.

19 (9) **Consult with the agency about the issuance and renewal of a single facility license**
20 **under section 10 of this 2005 Act authorizing a facility to provide cosmetology services.**

21 **SECTION 61.** ORS 690.167 is amended to read:

22 690.167. In the manner prescribed in ORS chapter 183 for contested cases and at the direction
23 of the Board of Cosmetology, the [*Health Licensing Office*] **Oregon Health Licensing Agency** may
24 impose a form of discipline listed in ORS 676.612 against any person practicing barbering,
25 cosmetology, hair design, facial technology or nail technology for any of the grounds listed in ORS
26 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted
27 thereunder.

28 **SECTION 62.** ORS 690.195 is amended to read:

29 690.195. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall keep a record
30 of its proceedings relating to the issuance, refusal, suspension and revocation of certificates, regis-
31 trations, licenses and permits and to the imposition of probation. This record shall also contain the
32 name, place of business and the date of each certificate, registration, license and permit issued by
33 the agency.

34 (2) The agency shall keep a record of all complaints received, including the date of receipt, name
35 and place of business of each practitioner involved, the name and address of each complainant and
36 the nature of the complaint.

37 (3) The records of the agency shall at all reasonable times be open to inspection by the public.

38 **SECTION 63.** ORS 690.205 is amended to read:

39 690.205. (1) The Board of Cosmetology [*has authority to make reasonable*] **may adopt** rules for
40 the administration of [*the provisions of*] ORS [*345.430*] **345.440** and 690.005 to 690.235 and
41 [*prescribe*] **for prescribing** safety and infection control requirements for facilities. Infection control
42 requirements for facilities shall be subject to the approval of the Department of Human Services.
43 A copy of the rules adopted by the board shall be furnished by the board to the owner or manager
44 of each facility.

45 (2) Notwithstanding subsection (1) of this section, **the board may not prohibit** the use of the

1 facility for domestic purposes [*may not be prohibited by the board*] if the part devoted to domestic
2 purposes is in a completely separate room not used by customers, with walls extending from floor
3 to ceiling and with any connecting doors kept closed while the facility is in actual operation.

4 (3) [*Any*] Rules adopted by the board **prescribing safety and infection control requirements**
5 **for facilities** shall be adopted in accordance with the procedures set forth in ORS chapter 183.

6 **SECTION 64.** ORS 690.225 is amended to read:

7 690.225. (1) In addition to any other duties prescribed by law, the [*Health Licensing Office*]
8 **Oregon Health Licensing Agency** shall provide for the inspection of facilities and schools licensed
9 to teach practitioner skills under ORS 345.010 to 345.450.

10 (2) Inspections conducted under this section shall determine whether the facilities comply with
11 the health, safety, infection control and licensing rules of the Board of Cosmetology and whether the
12 schools comply with the health, safety and infection control requirements under ORS 345.010 to
13 345.450 and rules of the [*Health Licensing Office*] **agency**. A report of the results of the inspection
14 shall be submitted to the Department of Education.

15 **SECTION 65.** ORS 690.235 is amended to read:

16 690.235. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency**, in consultation
17 with the Board of Cosmetology, shall establish by rule and collect fees **related to the practice of**
18 **cosmetology**. [*No fee shall exceed*] **Fees may be assessed for** the following:

19 (a) Application for a certificate, license or permit[, \$25].

20 (b) Issuance of an original two-year practitioner certificate[, \$100].

21 (c) Renewal of a two-year practitioner certificate[, \$100].

22 (d) Each initial examination section in an individual field of practice and reexamination of failed
23 sections[, \$25].

24 (e) Issuance of a demonstration permit[, \$25].

25 (f) Issuance of a facility license[, \$100].

26 (g) Renewal of a facility license[, \$100].

27 (h) Issuance of a temporary facility permit[, \$100].

28 (i) Issuance of an independent contractor registration[, \$100].

29 (j) Renewal of an independent contractor registration[, \$100].

30 (k) Issuance of a duplicate or replacement certificate, license or permit[, \$25].

31 (L) Late renewal fee[, \$25].

32 (m) Reciprocity fee[, \$200].

33 (n) Issuance of a certificate of identification[, \$100].

34 (2) All moneys received by the [*Health Licensing Office*] **agency** under this section shall be paid
35 into the General Fund of the State Treasury and credited to the [*Health Licensing Office Account*]
36 **Oregon Health Licensing Agency Account**, and are appropriated continuously **to** and shall be
37 used by the [*Health Licensing Office*] **agency** only for the administration and enforcement of ORS
38 690.005 to 690.235.

39 (3) The fees established by the [*Health Licensing Office*] **agency** under subsection (1) of this
40 section are subject to the prior approval of the Oregon Department of Administrative Services. The
41 fees shall not exceed the cost of administering ORS 690.005 to 690.235 pertaining to the purpose for
42 which the fee is established, as authorized by the Legislative Assembly within the [*Health Licensing*
43 *Office's*] budget **of the agency**, as that budget may be modified by the Emergency Board.

44 (4) In addition to the fees established under subsection (1) of this section, the [*Health Licensing*
45 *Office*] **agency** may assess fees for providing copies of official documents or records [*in specific for-*

1 *mats*] and for recovering administrative costs associated with compiling, photocopying or preparing
2 and delivering the records.

3 **SECTION 66.** ORS 690.350 is amended to read:

4 690.350. As used in ORS 690.350 to 690.430, unless the context requires otherwise:

5 [(1) “Agency” means the *Health Licensing Office*.]

6 [(2)] (1) “Council” means the Advisory Council for Electrologists and Permanent Color Techni-
7 cians and Tattoo Artists, **created in the Oregon Health Licensing Agency**.

8 [(3)] (2) “Electrologist” means a person who practices electrolysis pursuant to the provisions of
9 ORS 690.350 to 690.430.

10 [(4)] (3) “Electrology facility” means any room or space or any part thereof where electrolysis
11 is practiced or where the business of electrology is conducted.

12 [(5)] (4) “Electrolysis” means the process by which hair, with a series of treatments, is perma-
13 nently removed from the skin by inserting a needle-conductor into the hair follicle and directing
14 electrical energy toward the hair cell. The word “electrolysis” is used in generic form in ORS
15 690.350 to 690.430 and refers to modalities of galvanic electrolysis, thermolysis and combinations
16 thereof.

17 [(6)] (5) “Licensed electrologist” means a person licensed under the provisions of ORS 690.350
18 to 690.430 to practice electrolysis.

19 [(7)] (6) “Licensed permanent color technician and tattoo artist” means a person licensed under
20 the provisions of ORS 690.350 to 690.430 to practice tattooing.

21 [(8)] (7) “Permanent color technician and tattoo artist” means a person who practices tattooing
22 pursuant to the provisions of ORS 690.350 to 690.430.

23 [(9)] (8) “Physician” means a person licensed to practice the healing arts by this state pursuant
24 to ORS chapter 677, 684 or 685.

25 [(10)] (9) “Schools of electrolysis” means career schools licensed by the Department of Educa-
26 tion under ORS 345.010 to 345.450 where electrolysis and related subjects are taught.

27 [(11)] (10) “Schools of permanent coloring or tattooing” means career schools licensed by the
28 Department of Education under ORS 345.010 to 345.450 in which permanent coloring or tattooing
29 and related subjects are taught.

30 [(12)] (11) “Tattoo” means the indelible mark, figure or decorative design introduced by insertion
31 of nontoxic dyes or pigments into or under the dermal portion of the skin upon the body of a live
32 human being.

33 [(13)] (12) “Tattooing” means the process by which the skin is marked or colored by insertion
34 of nontoxic dyes or pigments into or under the dermal portion of the skin so as to form indelible
35 marks for cosmetic, medical or figurative purposes.

36 [(14)] (13) “Tattoo facility” means any room or space or any part thereof where tattooing is
37 practiced or where the business of tattooing is conducted.

38 [(15)] (14) “Teacher” means a person who is registered by the Department of Education to teach
39 in a school of electrolysis or school of permanent coloring or tattooing pursuant to the provisions
40 of ORS 345.010 to 345.450 and 690.350 to 690.430.

41 **SECTION 67.** ORS 690.355 is amended to read:

42 690.355. No person, including an electrologist or a permanent color technician and tattoo artist,
43 shall perform electrolysis or tattooing, display a sign or in any other way advertise or purport to
44 be an electrologist or permanent color technician and tattoo artist unless that person holds a valid
45 license issued by the [*Health Licensing Office*] **Oregon Health Licensing Agency**. However, ORS

1 690.350 to 690.430 do not prevent or affect the use of electrolysis or tattooing by a physician, a
2 person under the control and supervision of a physician or any other person specifically permitted
3 to use electrolysis or tattooing by law.

4 **SECTION 68.** ORS 690.365 is amended to read:

5 690.365. (1) An applicant for licensure shall pay a fee established by the [*Health Licensing*
6 *Office*] **Oregon Health Licensing Agency** under ORS 690.350 to 690.430 and shall show to the sat-
7 isfaction of the agency that the applicant:

8 (a) Has complied with the provisions of ORS 690.350 to 690.430 and the applicable rules of the
9 agency;

10 (b) Is not less than 18 years of age;

11 (c) Has a high school diploma or equivalent education;

12 (d) Has submitted evidence of completion of education and training prescribed and approved by
13 the agency under ORS 690.410; and

14 (e) Has passed an examination approved, administered or recognized by the agency.

15 (2) Subject to the provisions of ORS 676.612, the agency shall issue a license to each applicant
16 who provides evidence satisfactory to the agency of completion of all requirements for licensure.
17 An initial license shall be issued for one year and expires unless renewed on or before the expiration
18 date by payment of required fees and demonstration of completion of continuing education require-
19 ments specified by rule.

20 **SECTION 69.** ORS 690.370 is amended to read:

21 690.370. (1) An applicant for licensure who is notified by the [*Health Licensing Office*] **Oregon**
22 **Health Licensing Agency** that the applicant has fulfilled the requirements of ORS 690.365 (1)(a) to
23 (d) shall appear at a time, place and before such persons as the agency may designate, for an ex-
24 amination.

25 (2) The agency shall offer an examination at least twice a year. The applicant who fails any part
26 of the examination may apply to retake the failed section or sections twice without being required
27 to obtain additional training.

28 **SECTION 70.** ORS 690.380 is amended to read:

29 690.380. (1) A person who holds a license under ORS 690.350 to 690.430 shall notify the [*Health*
30 *Licensing Office*] **Oregon Health Licensing Agency** in writing of the regular address of the place
31 or places where the person performs or intends to perform electrolysis or tattooing and shall keep
32 the license conspicuously posted in the place of business at all times.

33 (2) The agency shall keep a record of the place or places of business of each person who holds
34 a license.

35 (3) Any notice required to be given by the agency to a person who holds a license may be given
36 by mailing the notice to the address of the last place of business of which the person has notified
37 the agency.

38 (4) The agency shall issue to each qualified applicant a license to operate an electrology facility
39 and to advertise electrolysis services for which the facility is licensed.

40 (5) The agency shall issue to each qualified applicant a license to operate a tattoo facility and
41 to advertise permanent [*makeup*] **coloring** or tattooing services for which the facility is licensed.

42 **(6) The agency may issue a single facility license to an applicant pursuant to section 10**
43 **of this 2005 Act.**

44 **SECTION 71.** ORS 690.385 is amended to read:

45 690.385. (1) Except as otherwise provided in this section, a license issued under ORS 690.365

1 expires one year after the date of issue unless renewed by payment of the required renewal fee. The
2 [Health Licensing Office] **Oregon Health Licensing Agency**, however, may vary the date of license
3 renewal by giving to the applicant written notice of the renewal date being assigned and by making
4 prorated adjustments in the renewal fee. If payment is transmitted by postal service, the envelope
5 must be postmarked on or before the expiration of the license. If the license expires, the license may
6 be renewed on payment of a renewal fee and late penalty fee established by the agency under ORS
7 690.350 to 690.430.

8 (2) The agency may suspend the license of any person who fails to renew. A suspended license
9 may be reactivated upon the payment of a reactivation fee established by the agency under ORS
10 690.350 to 690.430 and all past unpaid renewal fees.

11 (3) A person applying for reactivation shall not be required to take an examination as a condi-
12 tion of reactivation if the reactivation occurs within three years after the date of the license ex-
13 pired.

14 (4) All electrologists and permanent color technicians and tattoo artists must participate in
15 continuing education, with guidelines and effective date to be established by rule of the agency.

16 **SECTION 72.** ORS 690.390 is amended to read:

17 690.390. Licensed practicing electrologists and permanent color technicians and tattoo artists
18 shall meet the following standards and any others the [Health Licensing Office] **Oregon Health Li-**
19 **censing Agency** may adopt by rule:

20 (1) Electrolysis and tattooing instruments shall be sterilized in accordance with methods ap-
21 proved by the rules of the [Health Licensing Office] **agency**;

22 (2) Practicing electrologists and permanent color technicians and tattoo artists shall be equipped
23 with appropriate sterilizing equipment, with availability of hot and cold running water and a covered
24 waste receptacle; and

25 (3) Case history cards shall be kept for each client.

26 **SECTION 73.** ORS 690.405 is amended to read:

27 690.405. The powers and duties of the [Health Licensing Office] **Oregon Health Licensing**
28 **Agency** as related to ORS 690.350 to 690.430 are as follows:

29 (1) To authorize all disbursements necessary to carry out the provisions of ORS 690.350 to
30 690.430;

31 (2) To determine training and experience requirements for taking the examination and to su-
32 pervise and administer examinations to test the knowledge of applicants for licensure;

33 (3) To license persons who apply to the agency and who have qualified to practice electrolysis,
34 permanent coloring or tattooing;

35 (4) To rent facilities when necessary to carry out the examination of applicants for licensure;

36 (5) To renew licenses;

37 (6) To suspend or revoke licenses or place licensees on probation in the manner provided by
38 ORS 690.350 to 690.430;

39 (7) To appoint representatives to conduct or supervise the examination of applicants for
40 licensure;

41 (8) To designate the time and place for examining applicants for licensure;

42 (9) Subject to the provisions of ORS chapter 183, to adopt rules that are necessary to carry out
43 the provisions of ORS 690.350 to 690.430;

44 (10) To carry out the periodic inspection of facilities of persons who practice electrolysis or
45 tattooing;

1 (11) To issue a tattoo facility license or a temporary facility permit to qualified applicants upon
2 compliance with ORS 690.350 to 690.430;

3 (12) To issue an electrology facility license or a temporary facility permit to qualified applicants
4 upon compliance with ORS 690.350 to 690.430; and

5 (13) Notwithstanding ORS 690.355, to issue demonstration and temporary permits to perform
6 services as prescribed by agency rule.

7 (14) **To issue a single facility license to an applicant pursuant to section 10 of this 2005**
8 **Act.**

9 **SECTION 74.** ORS 690.407 is amended to read:

10 690.407. In the manner prescribed in ORS chapter 183 for contested cases, the [*Health Licensing*
11 *Office*] **Oregon Health Licensing Agency** may impose a form of discipline listed in ORS 676.612
12 against any person practicing electrolysis or permanent coloring or tattooing for any of the grounds
13 listed in ORS 676.612, and for any violation of the provisions of ORS 690.350 to 690.430, or the rules
14 adopted thereunder.

15 **SECTION 75.** ORS 690.410 is amended to read:

16 690.410. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency**, in accordance with
17 ORS chapter 183 and in consultation with the Advisory Council for Electrologists[,] **and** Permanent
18 Color Technicians and Tattoo Artists, shall adopt by rule minimum standards of education and
19 training requirements for the practice of electrolysis, permanent coloring and tattooing.

20 (2) The [*Health Licensing Office*] **agency** shall approve electrolysis, permanent coloring and
21 tattooing courses of study. An outline of instruction shall be filed with the agency and with the
22 Department of Education. The outline must include the approved courses, total hours of instruction,
23 hours of lectures in theory and the hours of instruction in application of practical skills.

24 (3) Schools of electrolysis and schools of permanent coloring or tattooing must comply with the
25 agency's safety and infection control rules and are subject to inspection at the discretion of the
26 agency and the Department of Education. A report of the results of each inspection shall be sub-
27 mitted to the department.

28 (4) An owner of a facility that is also licensed by the Department of Education as a school of
29 electrolysis or a school of permanent coloring or tattooing under ORS 345.010 to 345.450[,] may
30 employ an individual licensed under ORS 690.350 to 690.430 and registered as a teacher by the De-
31 partment of Education to perform electrolysis, permanent coloring or tattooing for instructional
32 purposes.

33 **SECTION 76.** ORS 690.415 is amended to read:

34 690.415. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall establish by
35 rule and collect fees **related to electrologists and permanent color technicians and tattoo**
36 **artists** for:

- 37 (a) Application.
- 38 (b) Examination.
- 39 (c) Reexamination.
- 40 (d) Reciprocity.
- 41 (e) Initial annual license.
- 42 (f) License renewal, active and inactive.
- 43 (g) Late renewal.
- 44 (h) License reactivation.
- 45 (i) Duplicate license.

1 (j) Demonstration and temporary permits.

2 (k) Facility license issuance and renewal, active or inactive.

3 (L) Providing copies of official documents or records [*in specific formats*] and for recovering ad-
4 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

5 (2) All moneys received by the [*Health Licensing Office*] **agency** under this section shall be paid
6 into the General Fund of the State Treasury and credited to the [*Health Licensing Office Account*]
7 **Oregon Health Licensing Agency Account**, and are appropriated continuously **to** and shall be
8 used by the [*Health Licensing Office*] **agency** only for the administration and enforcement of ORS
9 690.350 to 690.430.

10 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
11 to the prior approval of the Oregon Department of Administrative Services. The fees established
12 under this subsection shall not exceed the cost of administering the regulatory program under ORS
13 690.350 to 690.430 pertaining to the purpose for which the fee is established, as authorized by the
14 Legislative Assembly within the budget for ORS 690.350 to 690.430, as the budget may be modified
15 by the Emergency Board.

16 **SECTION 77.** ORS 690.425 is amended to read:

17 690.425. (1) There hereby is created in the [*Health Licensing Office*] **Oregon Health Licensing**
18 **Agency** the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Art-
19 ists. The council shall consist of five members to be appointed by the Governor.

20 (2) Members of the council shall be residents of this state. Two members must be practicing
21 electrologists with a minimum of two years of experience. One member shall be a licensed and
22 practicing permanent color technician and tattoo artist. One member shall be a licensed physician
23 in this state. One member shall be a public member who does not possess the professional quali-
24 fications of other members.

25 (3) No person shall serve more than two consecutive two-year terms.

26 (4) The term of office of a member shall begin on January 1. A member shall continue to serve
27 until a successor who qualifies has been appointed. Before a member's term expires, the Governor
28 shall appoint a successor to assume the duties of office on January 1 at the expiration of the pred-
29 ecessor's term.

30 (5) A vacancy on the council shall be filled by appointment for the unexpired term through a list
31 of qualified names submitted to the Governor.

32 (6) The council shall meet at least once a year.

33 (7) Members of the council shall be entitled to compensation and expenses as provided in ORS
34 292.495.

35 **SECTION 78.** ORS 690.430 is amended to read:

36 690.430. (1) The Advisory Council for Electrologists and Permanent Color Technicians and
37 Tattoo Artists shall have the responsibility and duty of advising the [*Health Licensing Office*]
38 **Oregon Health Licensing Agency** in all matters relating to ORS 690.350 to 690.430, shall prepare
39 or adopt the examinations required by ORS 690.350 to 690.430 subject to the approval of the agency
40 and shall assist the agency in carrying out the provisions of ORS 690.350 to 690.430.

41 (2) The agency shall consider and be guided by the recommendations of the council in all mat-
42 ters relating to ORS 690.350 to 690.430.

43 **SECTION 79.** ORS 690.500 is amended to read:

44 690.500. As used in ORS 690.500 to 690.550:

45 [(1) "Agency" means the Health Licensing Office.]

1 [(2)] (1) “Body piercing” means the puncturing of a part of the body of a live human being so
2 as to create a permanent hole for cosmetic purposes.

3 [(3)] (2) “Body piercing facility” means any room, space, location, place, area, structure or
4 business, or any part thereof, where body piercing is practiced or where the business of body
5 piercing is conducted.

6 [(4)] (3) “Body piercing technician” means a person who practices body piercing pursuant to the
7 provisions of ORS 690.500 to 690.570.

8 **SECTION 80.** ORS 690.507 is amended to read:

9 690.507. (1) A person may not provide body piercing services without a body piercing technician
10 registration issued by the [*Health Licensing Office*] **Oregon Health Licensing Agency**.

11 (2) A person may not operate a body piercing facility without a body piercing facility license
12 issued by the agency.

13 (3) This section does not prevent or affect the use of body piercing by a physician, a person
14 under the control and supervision of a physician or any other person specifically permitted by law
15 to engage in body piercing.

16 **SECTION 81.** ORS 690.510 is amended to read:

17 690.510. (1) In addition to any other duties prescribed by law, there is established within the
18 [*Health Licensing Office*] **Oregon Health Licensing Agency** a registration program to provide for
19 the registering of body piercing technicians.

20 (2) The agency shall issue a body piercing technician registration to any person who:

21 (a) Files an application in the form and manner prescribed by the agency;

22 (b) Pays the application and registration fees prescribed by the agency;

23 (c) Affirms by written signature on a form prescribed by the agency receipt of:

24 (A) An information packet regarding safety, infection control and sterilization requirements
25 adopted by the agency by rule;

26 (B) A copy of the written notification for clients advising of the risks and possible consequences
27 of body piercing services; and

28 (C) A disclosure statement to be posted in public view within the licensed body piercing facility;
29 and

30 (d) Complies with all other requirements established by the agency.

31 (3) A registration issued under this section shall state that registration does not attest to the
32 body piercing technician’s qualifications based on training or education, nor does the registration
33 validate minimum competency to perform body piercing services.

34 (4) The body piercing technician registration shall be posted in a conspicuous place on the
35 premises of a licensed body piercing facility.

36 (5) A registration issued under this section expires annually and may be renewed upon applica-
37 tion to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance
38 with ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550.

39 **SECTION 82.** ORS 690.515 is amended to read:

40 690.515. In the manner prescribed in ORS chapter 183 for contested cases, the [*Health Licensing*
41 *Office*] **Oregon Health Licensing Agency** may impose a form of discipline listed in ORS 676.612
42 against any person practicing body piercing for any of the grounds listed in ORS 676.612, and for
43 any violation of the provisions of ORS 690.500 to 690.550 or the rules adopted thereunder.

44 **SECTION 83.** ORS 690.520 is amended to read:

45 690.520. (1) In addition to any other duties prescribed by law, there is established within the

1 *[Health Licensing Office]* **Oregon Health Licensing Agency** a licensing program to provide for the
2 licensing of body piercing facilities.

3 (2) Pursuant to ORS 676.618, the agency shall conduct periodic inspections of body piercing fa-
4 cilities to determine compliance with safety, infection control and sterilization requirements.

5 (3) The agency shall issue a body piercing facility license to any person who:

6 (a) Files an application in the form and manner prescribed by the agency;

7 (b) Pays the application and license fees prescribed by the agency;

8 (c) Demonstrates compliance with all safety, infection control and sterilization requirements
9 adopted by the agency by rule; and

10 (d) Complies with all other requirements established by the agency.

11 (4) A license issued under this section expires annually and may be renewed upon application
12 to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance with
13 ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550.

14 (5) The body piercing facility license shall be posted in a conspicuous place on the premises of
15 the facility.

16 *[(6) This section shall not prevent or affect the use of body piercing by a physician, a person under
17 the control and supervision of a physician or any other person specifically permitted by law to engage
18 in body piercing.]*

19 **(6) The agency may issue a single facility license to an applicant pursuant to section 10
20 of this 2005 Act.**

21 **SECTION 84.** ORS 690.530 is amended to read:

22 690.530. Any person operating a body piercing facility licensed under ORS 690.520 shall:

23 (1) Provide to all customers a written statement approved by the *[Health Licensing Office]*
24 **Oregon Health Licensing Agency** that advises the customer of risks or dangers involved in the
25 procedure and all complications that may occur;

26 (2) Post in public view in the body piercing facility a disclosure statement established by the
27 *[Health Licensing Office]* **agency** by rule; and

28 (3) Post in public view in the body piercing facility a notice containing the address of the
29 *[Health Licensing Office]* **agency** and the procedure for filing a complaint as established by the
30 *[Health Licensing Office]* **agency** by rule.

31 **SECTION 85.** ORS 690.550 is amended to read:

32 690.550. (1) The *[Health Licensing Office]* **Oregon Health Licensing Agency** shall *[charge fees]*
33 **establish by rule and collect fees related to body piercing. Fees may be assessed** for *[the fol-*
34 *lowing in amounts not less than]:*

35 (a) Facility application[, \$100].

36 (b) Initial facility license[, \$100].

37 (c) Annual renewal of facility license[, \$100].

38 (d) Technician application[, \$10].

39 (e) Initial technician registration[, \$25].

40 (f) Annual renewal of technician registration[, \$25].

41 (g) Duplicate license or registration[, \$10].

42 (2) The fees in subsection (1) of this section shall not exceed the cost of administering the reg-
43 ulatory programs established pursuant to ORS 690.500 to 690.550 pertaining to the purpose for which
44 each fee is established.

45 **(3) In addition to the fees established under subsection (1) of this section, the agency**

1 **may assess fees for the actual cost of providing copies of official documents or records, in-**
2 **cluding but not limited to the administrative costs associated with compiling, photocopying**
3 **or preparing and delivering the documents or records.**

4 [(3)] (4) All moneys received by the agency under this section shall be paid into the General
5 Fund in the State Treasury and [*placed to the credit of the Health Licensing Office Account*] **credited**
6 **to the Oregon Health Licensing Agency Account**, and such moneys [*hereby*] are appropriated
7 continuously **to** and shall be used **by the agency** only for the expenditures, including but not limited
8 to costs associated with staffing, needed for the administration and enforcement of ORS 690.500 to
9 690.570.

10 **SECTION 86.** ORS 690.570 is amended to read:

11 690.570. In accordance with ORS chapter 183, the [*Health Licensing Office*] **Oregon Health Li-**
12 **censing Agency** shall adopt rules necessary to implement and enforce ORS 690.500 to 690.550.

13 **SECTION 87.** ORS 694.015 is amended to read:

14 694.015. As used in ORS 694.015 to [*694.170*] **694.185**, unless the context requires otherwise:

15 [(1) "*Agency*" means the *Health Licensing Office*.]

16 [(2)] (1) "*Council*" means the Advisory Council on Hearing Aids, **created within the Oregon**
17 **Health Licensing Agency.**

18 (2) "*Dealing in hearing aids*" means the sale, lease or rental or attempted sale, lease or
19 **rental of hearing aids in conjunction with the evaluation or measurement of the powers or**
20 **range of human hearing and the recommendation, selection or adaptation of hearing aids.**

21 (3) "*Hearing aid*" means any prosthetic instrument or device designed for or represented as
22 aiding, improving or correcting defective human hearing and any parts, attachments or accessories
23 of such an instrument or device. A hearing aid is not intended to include any device which is
24 surgically implanted or otherwise medically inserted by a physician licensed by ORS chapter 677 for
25 the purpose of treating or correcting a hearing impairment.

26 [(4) "*Dealing in hearing aids*" means the sale, lease or rental or attempted sale, lease or rental of
27 *hearing aids in conjunction with the evaluation or measurement of the powers or range of human*
28 *hearing and the recommendation, selection or adaptation of hearing aids.*]

29 **SECTION 88.** ORS 694.025 is amended to read:

30 694.025. No person, including an audiologist or a physician, shall deal in hearing aids or display
31 a sign or in any other way advertise or represent that the person deals in hearing aids unless the
32 person holds a valid license issued by the [*Health Licensing Office*] **Oregon Health Licensing**
33 **Agency** as provided in ORS 694.015 to [*694.170*] **694.185**.

34 **SECTION 89.** ORS 694.028 is amended to read:

35 694.028. It shall be unlawful for any person holding a temporary license under ORS 694.095 to
36 make or attempt to sell a hearing aid to a person unless the temporary licensee has successfully
37 passed the qualifying examination or the supervising licensee has certified to the [*Health Licensing*
38 *Office*] **Oregon Health Licensing Agency** that the temporary licensee has received adequate
39 training.

40 **SECTION 90.** ORS 694.036 is amended to read:

41 694.036. (1) Prior to consummation of the sale of a hearing aid, a person dealing in hearing aids
42 shall deliver to the prospective purchaser a written statement, signed by the person dealing in
43 hearing aids. The statement shall be on a form prescribed by the [*Health Licensing Office which*]
44 **Oregon Health Licensing Agency that** shall include but not be limited to all of the following:

45 (a) The name and address of the prospective purchaser.

1 (b) The date of the sale.

2 (c) Specifications as to the make, serial number and model number of the hearing aid or aids
3 sold.

4 (d) The address or principal place of business of the person dealing in hearing aids.

5 (e) A statement to the effect that the aid or aids delivered to the purchaser are used or recon-
6 ditioned, as the case may be, if that is the fact.

7 (f) The number of the license of the person dealing in hearing aids.

8 (g) The terms of any guarantee or expressed warranty, if any, made to the purchaser with re-
9 spect to such hearing aid or hearing aids, including that provided in ORS 646.482 to 646.498 and
10 694.042.

11 (h) The address of the [*Health Licensing Office*] **agency** and the procedure for making a com-
12 plaint under ORS 694.015 to [694.170] **694.185**.

13 (i) In no smaller type than the largest used in the body copy portion, the following bordered
14 statement:

15 _____
16
17 It is desirable that a person seeking help with a hearing problem (especially for the first time)
18 consult an ear doctor and obtain a clinical hearing evaluation. Although hearing aids are often re-
19 commended for hearing problems, another form of treatment may be necessary.
20 _____

21
22 (j) The signature of the prospective purchaser indicating that the prospective purchaser has read
23 and understands the information contained in the statement.

24 (2) A duplicate copy of the statement required under subsection (1) of this section shall be kept
25 for one year by the person selling the hearing aid. The statement shall be made available to the
26 [*Health Licensing Office*] **agency** upon request.

27 **SECTION 91.** ORS 694.042 is amended to read:

28 694.042. (1) In addition to any other rights and remedies the purchaser may have, including
29 rights under ORS 646.482 to 646.498, the purchaser of a hearing aid shall have the right to rescind
30 the transaction if:

31 (a) The purchaser for whatever reason consults a licensed medical physician specializing in
32 diseases of the ear, or an audiologist not licensed under this chapter and not affiliated with anyone
33 licensed under this chapter and licensed medical physician, subsequent to purchasing the hearing
34 aid, and the licensed physician advises such purchaser against purchasing or using a hearing aid
35 and in writing specifies the medical reason for the advice;

36 (b) The seller, in dealings with the purchaser, failed to adhere to the practice standards listed
37 in ORS 694.142, or failed to provide the statement required by ORS 694.036;

38 (c) The fitting of the hearing instrument failed to meet current industry standards; or

39 (d) The licensee fails to meet any standard of conduct prescribed in the law or rules regulating
40 fitting and dispensing of hearing aids and this failure affects in any way the transaction which the
41 purchaser seeks to rescind.

42 (2) The purchaser of a hearing aid shall have the right to rescind the transaction, for other than
43 the seller's breach, as provided in subsection (1)(a), (b), (c) or (d) of this section only if the purchaser
44 returns the product and it is in good condition less normal wear and tear and gives written notice
45 of the intent to rescind the transaction by either:

1 (a) Returning the product with a written notice of the intent to rescind sent by certified mail,
2 return receipt requested, to the licensee's regular place of business; or

3 (b) Returning the product with a written notice of the intent to rescind to an authorized repre-
4 sentative of the company from which it was purchased.

5 (3) The notice described in subsection (2) of this section shall state that the transaction is can-
6 celed pursuant to this section. The notice of intent to rescind must be postmarked:

7 (a) Within 30 days from the date of the original delivery; or

8 (b) Within specified time periods if the 30-day period has been extended in writing by both par-
9 ties. The consumer's rescission rights can only be extended through a written agreement by both
10 parties.

11 (4) If the conditions of subsection (1)(a), (b), (c) or (d) of this section and subsection (2)(a) or (b)
12 of this section have been met, the seller, without further request and within 10 days after the can-
13 cellation, shall issue a refund to the purchaser. However, the hearing aid specialist may retain a
14 portion of the purchase price as specified by rule by the [*Health Licensing Office*] **Oregon Health**
15 **Licensing Agency** when the purchaser rescinds the sale during the 30-day rescission period. At the
16 same time, the seller shall return all goods traded in to the seller on account of or in contemplation
17 of the sale. The purchaser shall incur no additional liability for the cancellation.

18 **SECTION 92.** ORS 694.055 is amended to read:

19 694.055. An applicant for licensure under this chapter shall pay a fee established by the [*Health*
20 *Licensing Office*] **Oregon Health Licensing Agency** under ORS 694.185 and shall show to the sat-
21 isfaction of the agency that the applicant:

22 (1) Is a person 18 years of age or older.

23 (2) Has graduated from high school or has been awarded a General Educational Development
24 (GED) certificate.

25 (3) Has completed the training and has the experience required under ORS 694.065.

26 **SECTION 93.** ORS 694.065 is amended to read:

27 694.065. (1) Before an applicant may take the qualifying examination for licensure under [*this*
28 *chapter*] **ORS 694.015 to 694.185**, the applicant must:

29 (a) Meet the training and experience requirements established by the [*Health Licensing Office*]
30 **Oregon Health Licensing Agency** by rule;

31 (b) Meet the training requirements for licensure as an audiologist or for certification of a li-
32 censed physician by the American Board of Otolaryngology; or

33 (c) Meet the requirements for certification by the National Board for Certification in Hearing
34 Instrument Sciences.

35 (2) An individual seeking to obtain the experience and training specified in subsection (1)(a) of
36 this section necessary to take the examination shall obtain a trainee registration from the agency
37 pursuant to rules adopted by the agency. A trainee registration issued pursuant to this subsection
38 shall allow the holder of the registration to obtain training and experience only under the direct
39 supervision of a hearing aid specialist licensed in the State of Oregon.

40 (3) Examination of applicants for licensure under ORS 694.015 to [*694.170*] **694.185** shall be held
41 at least once each quarter at such times and places as the [*Health Licensing Office*] **agency** may
42 determine.

43 (4) Timely and appropriate notice of the time and place of the examination shall be given to
44 each applicant and to each licensed hearing aid specialist supervising a temporary hearing aid spe-
45 cialist pursuant to rules adopted by the agency.

1 (5) The agency, in consultation with the Advisory Council on Hearing Aids, shall adopt rules
2 establishing standards for examination scope, format, minimum acceptable performance and reex-
3 amination qualifications. The examination shall be sufficiently thorough to determine the qualifica-
4 tions, fitness and ability of the applicant to practice as a hearing aid specialist. The examination
5 may be in the form of written, oral or practical demonstration of skills, or a combination of any such
6 types. The examination shall cover at least the subjects listed in ORS 694.075.

7 **SECTION 94.** ORS 694.095 is amended to read:

8 694.095. (1) An applicant who fulfills the requirements of ORS 694.055 and 694.065 (1) and who
9 has not previously applied to take the qualifying examination provided under ORS 694.065 (3) or
10 previously been issued a temporary license may apply to the [*Health Licensing Office*] **Oregon**
11 **Health Licensing Agency** for a temporary license.

12 (2) Upon receiving an application provided under subsection (1) of this section accompanied by
13 a fee established by the agency under ORS 694.185, the agency shall issue a temporary license which
14 shall be valid for one year following the date of issuance or until the date the temporary licensee
15 obtains a permanent license pursuant to ORS 694.085, whichever date occurs first.

16 (3) A temporary license issued under this section shall allow the holder of the license to practice
17 as a hearing aid specialist only under the supervision of a licensed hearing aid specialist, in ac-
18 cordance with rules adopted by the agency.

19 (4) If a person who holds a temporary license issued under this section is found by the agency
20 to be dealing in hearing aids without the supervision required in subsection (3) of this section, the
21 agency may revoke or suspend the temporary license.

22 **SECTION 95.** ORS 694.115 is amended to read:

23 694.115. (1) A person who holds a license shall notify the [*Health Licensing Office*] **Oregon**
24 **Health Licensing Agency** in writing of the regular address of the place or places where the person
25 deals or intends to deal in hearing aids.

26 (2) The agency shall keep a record of the places of business of persons who hold a license.

27 (3) Any notice required to be given by the agency to a person who holds a license may be given
28 by mailing it to the address of the last place of business of which the person has notified the agency.

29 **SECTION 96.** ORS 694.125 is amended to read:

30 694.125. (1) All licenses issued under ORS 694.015 to [*694.170*] **694.185** expire one year following
31 the date of issuance, unless renewed on or before the expiration date by payment of the required
32 renewal fee and submission of satisfactory evidence of completion of continuing education courses
33 as specified by rule.

34 (2) A license that has expired less than one year before the date of application for renewal may
35 be renewed upon application therefor and payment of the required renewal fee and upon submission
36 of satisfactory evidence of completion of continuing education as specified by rule, and payment of
37 a delinquency fee.

38 (3) A license that has expired more than one year but less than three years before the date of
39 application for renewal may be renewed upon application therefor and payment of the required re-
40 newal fee and delinquency fee and upon submission of satisfactory evidence of completion of con-
41 tinuing education as specified by rule.

42 (4) A license that has expired more than three years before the date of application for renewal
43 may be reinstated upon application, payment of required fees and completion of other conditions for
44 license issuance as determined by rule.

45 (5) A license shall be conspicuously posted in public view in the office or place of business of

1 the hearing aid specialist at all times.

2 (6) The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall require proof of com-
3 pletion of continuing education as a condition of license renewal as determined by rule.

4 **SECTION 97.** ORS 694.142 is amended to read:

5 694.142. The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall adopt by rule
6 standards of practice for hearing aid specialists in providing services to consumers. The standards
7 must include, but are not limited to:

8 (1) Before fitting or dispensing a hearing aid, the hearing aid specialist shall determine through
9 direct observation and a personal interview whether any of the following conditions exist:

10 (a) Visible congenital or traumatic deformity of the ear;

11 (b) Active drainage from the ear within the previous 90 days or a history of active drainage from
12 the ear;

13 (c) Sudden or rapidly progressive hearing loss within the previous 90 days;

14 (d) Acute or chronic dizziness;

15 (e) Unilateral hearing loss of sudden or recent onset within 90 days;

16 (f) Significant air-bone gap of greater than or equal to 15 decibels, American National Standards
17 Institute, 500, 1,000 and 2,000 Hz average; or

18 (g) Any other condition that the agency may establish by rule.

19 (2) If any of the conditions listed in subsection (1) of this section are found, the hearing aid
20 specialist shall refer the person to a physician licensed under ORS chapter 677 who specializes in
21 diseases of the ear or, if no such licensed physician is available in the community, to any physician
22 licensed under ORS chapter 677.

23 (3) Within the 90 days prior to fitting or dispensing a hearing aid to a person under 18 years
24 of age, the person receiving the hearing aid must be referred to one of the following licensed med-
25 ical physicians:

26 (a) An otolaryngologist for examination and for a recommendation of corrective measures that
27 may be required;

28 (b) A properly licensed medical physician for like examination and recommendation; or

29 (c) An audiologist licensed by the State of Oregon for an evaluation of the person's hearing and
30 for a recommendation of corrective measures that may be required if the person is also examined
31 by a properly licensed medical physician who gives approval for possible hearing aid use.

32 (4) Notwithstanding subsection (3) of this section, replacement of a hearing aid with an identical
33 hearing aid within one year of the initial fitting or dispensing of the hearing aid does not require
34 a referral to a physician.

35 (5)(a) Hearing aid specialists shall make clear their credentials, never representing that the
36 services or advice of a person licensed to practice medicine and surgery, osteopathy and surgery,
37 or a clinical audiologist will be used or made available in the selection, fitting, adjustment, mainte-
38 nance or repair of hearing aids when that is not true. Hearing aid specialists shall also refrain from
39 using the word "doctor" or "clinic" or other words, abbreviations or symbols that tend to connote
40 an audiologic, medical or osteopathic profession when that use is not accurate.

41 (b) A person issued a temporary license shall deal in hearing aids only under supervision of a
42 person licensed under this chapter.

43 (c) A hearing aid specialist shall maintain a business address and telephone number at which
44 the specialist may be reached during normal business hours.

45 (d) Sales of hearing aids shall be made by a licensed hearing aid specialist and not by direct

1 mail. For purposes of this paragraph, delivery by mail of a replacement hearing aid or parts does
2 not constitute sale by direct mail.

3 (6) If the person or the parent or guardian of the person refuses to seek a medical opinion from
4 the physician to whom the person has been referred under subsection (2) or (3) of this section, the
5 person dealing in hearing aids must obtain from the person or the parents or guardian of the person
6 prior to fitting or dispensing a hearing aid a certificate to that effect in a form prescribed by the
7 agency. Any person dealing in hearing aids or employees and putative agents thereof, upon making
8 the required referral for medical opinion, may not in any manner whatsoever disparage or discour-
9 age a prospective hearing aid user from seeking a medical opinion prior to the fitting and dispensing
10 of a hearing aid. Nothing required to be performed by a person dealing in hearing aids under this
11 section means that the person is engaged in the diagnosis of illness or the practice of medicine or
12 any other activity prohibited by the provisions of ORS 694.042 and 694.095 and this section.

13 **SECTION 98.** ORS 694.147 is amended to read:

14 694.147. (1) In the manner prescribed in ORS chapter 183 for contested cases, the [*Health Li-*
15 *icensing Office*] **Oregon Health Licensing Agency** may impose a form of discipline listed in ORS
16 676.612 against any person dealing in hearing aids for any of the grounds listed in ORS 676.612 and
17 for any violation of the provisions of ORS 694.015 to 694.185, or the rules adopted thereunder.

18 (2) The [*Health Licensing Office*] **agency** may also impose disciplinary sanctions against a person
19 dealing in hearing aids for any of the following causes:

20 (a) Failing or refusing to honor or to perform as represented any promise, agreement, warranty
21 or representation in connection with the promotion, dispensing or fitting of a hearing aid.

22 (b) Advertising a particular model, type or kind of hearing aid for sale that purchasers or pro-
23 spective purchasers responding to the advertisement cannot purchase.

24 (c) Failing to adhere to practice standards established by ORS 694.142 or rules adopted by the
25 agency.

26 **SECTION 99.** ORS 694.155 is amended to read:

27 694.155. The powers and duties of the [*Health Licensing Office*] **Oregon Health Licensing**
28 **Agency with regard to dealing in hearing aids** are as follows:

29 (1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to
30 [694.170] **694.185**.

31 (2) To determine training and experience requirements prerequisite to taking the examination
32 and to supervise and administer qualifying examinations to test the knowledge and proficiency of
33 applicants for licensure.

34 (3) To license persons who apply to the agency and who have qualified to deal in hearing aids.

35 (4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry
36 out the examination of applicants for licensure.

37 (5) To issue and renew licenses.

38 (6) To suspend or revoke licenses in the manner provided in ORS chapter 183.

39 (7) To appoint representatives to conduct or supervise the examination of applicants for
40 licensure.

41 (8) To designate the time and place for examining applicants for licensure.

42 (9) To adopt rules not inconsistent with the laws of this state which are necessary to carry out
43 the provisions of ORS 694.015 to [694.170] **694.185**.

44 (10) With the advice of the Advisory Council on Hearing Aids, to prescribe safety and sanitation
45 requirements, to require the periodic inspection of the audiometric testing equipment and to carry

1 out the periodic inspection of facilities of persons who deal in hearing aids.

2 (11) To appoint or employ subordinate employees.

3 (12) To adopt rules specifying exemptions relating to assistive listening devices.

4 **SECTION 100.** ORS 694.165 is amended to read:

5 694.165. (1) There is created within the [*Health Licensing Office*] **Oregon Health Licensing**
6 **Agency** the Advisory Council on Hearing Aids. The council shall consist of seven members to be
7 appointed by the Governor.

8 (2) Members of the council shall be residents of this state. No member of the council shall be
9 a member or employee of the agency.

10 (3) Membership on the council shall consist of:

11 (a) One member who is licensed to practice medicine in this state and holds a certificate of
12 qualification from the American Board of Otolaryngology;

13 (b) One member who holds a clinical certification in audiology with the American Speech-
14 Language-Hearing Association and is a member in good standing with that association;

15 (c) Four members who are experienced in the fitting of hearing aids and possess the qualifica-
16 tions provided in ORS 694.055; and

17 (d) One member who is a consumer of hearing aids and does not possess the professional quali-
18 fications of the other members.

19 (4) The term of office of a member is three years beginning on July 1 of the year of appointment.
20 A member shall continue to serve until a successor has been appointed and qualifies. Before a
21 member's term expires, the Governor shall appoint a successor to assume the duties of office on July
22 1 at the expiration of the predecessor's term. A vacancy in the office of a member shall be filled by
23 appointment for the unexpired term.

24 (5) Members of the council are entitled to compensation and expenses as provided in ORS
25 292.495.

26 **SECTION 101.** ORS 694.170 is amended to read:

27 694.170. (1) The Advisory Council on Hearing Aids shall have the responsibility and duty of ad-
28 vising the [*Health Licensing Office*] **Oregon Health Licensing Agency** in all matters relating to
29 ORS 694.015 to [694.170] **694.185** including standards of practice and professional conduct, shall
30 prepare the examinations required by ORS 694.015 to [694.170] **694.185** subject to the approval of the
31 agency and shall assist the agency in carrying out the provisions of ORS 694.015 to [694.170]
32 **694.185**.

33 (2) The agency shall consider and be guided by the recommendations of the council in all mat-
34 ters relating to ORS 694.015 to [694.170] **694.185**.

35 **SECTION 102.** ORS 694.185 is amended to read:

36 694.185. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency**, by rule, shall es-
37 tablish and collect fees **related to dealing in hearing aids** for:

38 (a) Application;

39 (b) Examinations;

40 (c) License;

41 (d) License renewal;

42 (e) License restoration;

43 (f) Replacement or duplicate license;

44 (g) Delinquency; and

45 (h) Providing copies of official documents or records [*in specific formats*] and for recovering ad-

1 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

2 (2) All moneys received by the [*Health Licensing Office*] **agency** under ORS 694.015 to [694.170]
3 **694.185** shall be paid into the General Fund in the State Treasury and credited to the [*Health Li-*
4 *censing Office Account*] **Oregon Health Licensing Agency Account**, and are appropriated contin-
5 uously **to** and shall be used by the [*Health Licensing Office*] **agency** only for the administration and
6 enforcement of ORS 694.015 to [694.170] **694.185**.

7 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
8 to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-
9 ceed the cost of administering ORS 694.015 to 694.185 pertaining to the purpose for which the fee
10 is established, as authorized by the Legislative Assembly within the [*Health Licensing Office's*]
11 budget **of the agency**, as that budget may be modified by the Emergency Board.

12 **SECTION 103.** ORS 694.991 is amended to read:

13 694.991. (1) Violation of any provision of ORS 694.025, 694.028, 694.032 and 694.145 is a Class B
14 misdemeanor.

15 (2) Justice courts have concurrent jurisdiction with the circuit courts of [*violation under ORS*
16 *694.015 to 694.170*] **violations listed in subsection (1) of this section.**

17 **SECTION 104.** ORS 700.010 is amended to read:

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

19 [(1) "Agency" means the *Health Licensing Office*.]

20 [(2)] (1) "Board" means the Environmental Health Registration Board, **established within the**
21 **Oregon Health Licensing Agency.**

22 [(3)] (2) "Certified professional soil scientist" means a person registered in good standing with
23 the American Registry of Certified Professionals in Agronomy, Crops and Soils.

24 [(4)] (3) "Environmental health specialist" means a person who by education, training and ex-
25 perience in the sanitary, biological and physical sciences is qualified to perform duties in environ-
26 mental sanitation, including but not limited to scientific investigation and education and counseling
27 in environmental sanitation.

28 [(5)] (4) "Environmental health specialist trainee" means a person who lacks the combination
29 of training, education and experience required for a registered environmental health specialist, but
30 who is engaged in meeting the requirements.

31 [(6)] (5) "Environmental sanitation" means the art and science of applying sanitary, biological
32 and physical science principles and knowledge to improve and control the environment and factors
33 therein for the protection of the health and welfare of the public.

34 [(7)] (6) "Registrant" means any person registered with the agency under this chapter.

35 [(8)] (7) "Registration" means written authorization issued under ORS 700.030 or 700.053 for the
36 holder to perform duties in the fields of environmental sanitation or waste water sanitation.

37 [(9)] (8) "Science courses relating to environmental sanitation" include courses in public or
38 community health or in sanitary, biological or physical sciences.

39 [(10)] (9) "Trainee registration" means written authorization issued under ORS 700.035 or
40 700.062 for the holder to perform duties as an environmental health specialist trainee or as a waste
41 water specialist trainee.

42 [(11)] (10) "Waste water specialist" means a person who by education, training and experience
43 in the sanitary, biological and physical sciences is qualified to perform duties in the field of waste
44 water treatment, disposal and reuse where soil is used in the final stage of the treatment process.

45 [(12)] (11) "Waste water specialist trainee" means a person who lacks the combination of train-

1 ing, education and experience required for a registered waste water specialist, but who is engaged
2 in the process of meeting the requirements.

3 **SECTION 105.** ORS 700.030 is amended to read:

4 700.030. (1) Subject to ORS 676.612, upon application accompanied by payment of required fees,
5 the [*Health Licensing Office*] **Oregon Health Licensing Agency** shall issue a registration to any
6 applicant who performs to the satisfaction of the Environmental Health Registration Board on an
7 examination approved by the board and furnishes evidence satisfactory to the agency that the ap-
8 plicant:

9 (a) Has a bachelor's degree from an accredited college or university with at least 45 quarter
10 hours, or the equivalent semester hours, in science courses relating to environmental sanitation and
11 two years of experience in environmental sanitation under the supervision of a registered environ-
12 mental health specialist or a person possessing equal qualifications, as determined by the board.
13 Accumulated schooling relevant to environmental sanitation gained while serving in the United
14 States Public Health Service or a branch of the Armed Forces of the United States may be credited
15 toward the educational requirement as evaluated by the current edition of the "Guide to Evaluation
16 of Educational Experience in the Armed Services," by the American Council on Education; or

17 (b) Has a graduate degree in public or community health from an accredited college or univer-
18 sity and one year of experience in environmental sanitation under the supervision of a registered
19 environmental health specialist or a person possessing equal qualifications, as determined by the
20 board.

21 (2) The agency, in consultation with the board, shall establish by rule requirements for regis-
22 tration as an environmental health specialist when an individual's date of employment precedes at-
23 tainment of registration.

24 **SECTION 106.** ORS 700.035 is amended to read:

25 700.035. (1) **Subject to ORS 676.612**, upon application and payment of required fees, the [*Health*
26 *Licensing Office*] **Oregon Health Licensing Agency** shall issue an environmental health specialist
27 trainee registration to any applicant who performs to the satisfaction of the Environmental Health
28 Registration Board on an examination approved by the board and furnishes evidence satisfactory to
29 the agency that the applicant:

30 (a) Has a bachelor's degree with 45 quarter hours, or the equivalent semester hours, in science
31 courses relating to environmental sanitation from an accredited college or university; or

32 (b) Has at least 15 quarter hours, or the equivalent semester hours, in science courses relating
33 to environmental sanitation from an accredited college or university and has at least five years of
34 experience in environmental sanitation or related activities, as determined by the board, under the
35 supervision of a registered environmental health specialist or a person possessing equal qualifica-
36 tions, as determined by the board.

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

40 (3) The agency, in consultation with the board, shall establish by rule requirements for regis-
41 tration as an environmental health specialist trainee when an individual's date of employment pre-
42 cedes attainment of registration.

43 (4) An environmental health specialist trainee shall be supervised by a registered environmental
44 health specialist or a person possessing equal qualifications as determined by the board.

45 **SECTION 107.** ORS 700.050 is amended to read:

1 700.050. (1) Examinations for registration as an environmental health specialist shall be held at
2 least once every year at such time and place as the [*Health Licensing Office*] **Oregon Health Li-**
3 **censing Agency** may determine. The examination shall be sufficiently thorough to determine the
4 qualifications, fitness and ability of the applicant to practice as an environmental health specialist
5 and may be in the form of written, oral or practical demonstrations of skill. The examination shall
6 cover subject areas determined by the Environmental Health Registration Board by rule.

7 (2) [*Within 30 days after the examination,*] The agency shall notify each applicant whether the
8 applicant passed or failed the examination.

9 (3) Upon written request to the agency, any applicant may discuss performance on the exam-
10 ination.

11 (4) Any applicant who fails to make a passing grade on the examination may be allowed to take
12 the examination a second time upon payment of the required fee. The agency, in consultation with
13 the board, may require the applicant to undergo additional training as determined by the board be-
14 fore taking the examination a third or subsequent time.

15 (5) The agency shall give reasonable notice by mail of the time and place of examination to each
16 applicant accepted for examination.

17 **SECTION 108.** ORS 700.052 is amended to read:

18 700.052. The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall issue a registra-
19 tion without written examination to an applicant who pays the required fees and furnishes doc-
20 umentation, as determined by the agency by rule, showing satisfactory evidence that the applicant
21 meets the education requirements of this chapter, and at the time of application is registered as an
22 environmental health specialist or waste water specialist by a national association that is recog-
23 nized by the Environmental Health Registration Board or is registered by the regulatory body of
24 another state. The registration requirements of the other state or the national association, including
25 the written examination, must be substantially equivalent to registration requirements in this state.

26 **SECTION 109.** ORS 700.053 is amended to read:

27 700.053. (1) An applicant for registration as a waste water specialist shall submit an application
28 to the [*Health Licensing Office*] **Oregon Health Licensing Agency** in the manner required by the
29 Environmental Health Registration Board. The application shall be on a form approved by the
30 agency, include proof satisfactory to the board that the applicant meets the education and experi-
31 ence requirements under subsection (3) of this section and include payment of required fees.

32 (2) Upon receipt of an application for registration complying with subsection (1) of this section,
33 successfully completing the examination required under subsection (5) of this section and passing the
34 examination required under subsection (6) of this section, the agency shall issue the applicant reg-
35 istration as a waste water specialist.

36 (3) An applicant for registration as a waste water specialist is required to have:

37 (a) A bachelor's degree from an accredited college or university, including at least 45 quarter
38 hours or the equivalent in soil science courses and two years of experience in waste water treat-
39 ment, disposal and reuse within this state supervised by a registered waste water specialist or by
40 an equally qualified person as determined by the board;

41 (b) A graduate degree in soil science from an accredited college or university and one year of
42 experience in waste water treatment, disposal and reuse within this state supervised by a registered
43 waste water specialist or by an equally qualified person as determined by the board; or

44 (c) A graduate degree in soil science from an accredited college or university and currently
45 certified as a professional soil scientist.

1 (4) Soil science schooling obtained while serving in the United States Public Health Service or
2 a branch of the Armed [*Forces*] **Services** of the United States may be credited toward the soil sci-
3 ence course requirement under subsection (3)(a) of this section. The board may use any system it
4 considers reliable in assigning credit for relevant schooling under this subsection, including but not
5 limited to assigning credit in conformance with the “Guide to Evaluation of Educational Experience
6 in the Armed Services” published by the American Council on Education.

7 (5) The board may, at its discretion, conduct an examination of candidates for registration as
8 waste water specialists. The examination may be on any matter pertaining to the fitness of the ap-
9 plicant to be registered as a waste water specialist, but shall not duplicate matters covered on the
10 examination required under subsection (6) of this section.

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

14 **SECTION 110.** ORS 700.059 is amended to read:

15 700.059. (1) Examinations for registration as a waste water specialist shall be held at least once
16 every year at such time and place as the [*Environmental Health Registration Board*] **Oregon Health**
17 **Licensing Agency** may determine. The **Environmental Health Registration** Board shall determine
18 the content of the examination, utilizing such advisory committees as the board deems necessary.

19 (2) [*Within 30 days after the examination, the board*] **The agency** shall notify each applicant
20 whether the applicant passed or failed the examination.

21 (3) Upon written request to the board, any applicant may discuss performance on the examina-
22 tion.

23 (4) Any applicant who fails to make a passing grade on the examination may be allowed to take
24 the examination a second time upon payment of required fees. However, any applicant who fails the
25 examination a second time must obtain special permission from the board to take the examination
26 a third or subsequent time.

27 (5) The [*Health Licensing Office*] **agency** shall give reasonable notice by mail of the time and
28 place of examination to each applicant accepted for examination.

29 **SECTION 111.** ORS 700.062 is amended to read:

30 700.062. (1) Subject to ORS 676.612, upon application and payment of required fees established
31 by the [*Health Licensing Office*] **Oregon Health Licensing Agency**, the agency shall issue regis-
32 tration as a waste water specialist trainee to any applicant who furnishes evidence satisfactory to
33 the agency that the applicant:

34 (a) Has a bachelor’s degree from an accredited college or university, including at least 45
35 quarter hours or the equivalent in soil science courses; or

36 (b) Has a graduate degree in soil science from an accredited college or university.

37 (2) Soil science schooling obtained while serving in the United States Public Health Service or
38 a branch of the Armed Services of the United States may be credited toward the soil science course
39 requirement under this section. The Environmental Health Registration Board may use any system
40 it considers reliable in assigning credit for relevant schooling under this subsection, including but
41 not limited to assigning credit in conformance with the “Guide to Evaluation of Educational Expe-
42 rience in the Armed Services” published by the American Council on Education.

43 **SECTION 112.** ORS 700.080 is amended to read:

44 700.080. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency** shall establish by
45 rule and collect fees **related to environmental and waste water specialists** for:

- 1 (a) Application.
- 2 (b) Examination of an applicant.
- 3 (c) Trainee registration.
- 4 (d) Original registration issuance.
- 5 (e) Registration renewal.
- 6 (f) Reciprocity.
- 7 (g) Delinquency payment.
- 8 (h) Duplicate or replacement certificate of registration.
- 9 (i) Restoration of an expired registration.

10 (j) Providing copies of official documents or records [*in specific formats*] and for recovering ad-
11 ministrative costs associated with compiling, photocopying or preparing and delivering the records.

12 (2) All moneys received by the [*Health Licensing Office*] **agency** under subsection (1) of this
13 section shall be paid into the General Fund in the State Treasury and credited to the [*Health Li-*
14 *censing Office Account*] **Oregon Health Licensing Agency Account**, and are appropriated contin-
15 uously **to** and shall be used by the [*Health Licensing Office*] **agency** only for the administration and
16 enforcement of this chapter.

17 (3) The fees established by the [*Health Licensing Office*] **agency** under this section are subject
18 to the prior approval of the Oregon Department of Administrative Services. The fees shall not ex-
19 ceed the cost of administering this chapter pertaining to the purpose for which the fee is established,
20 as authorized by the Legislative Assembly within the [*Health Licensing Office's*] budget **of the**
21 **agency**, as that budget may be modified by the Emergency Board.

22 **SECTION 113.** ORS 700.100 is amended to read:

23 700.100. (1)(a) Registrations issued under this chapter shall expire one year from the date of is-
24 suance, unless renewed on or before the expiration date by payment of the required renewal fee and
25 submission of satisfactory evidence of completion of continuing education courses as specified by the
26 [*Environmental Health Registration Board*] **Oregon Health Licensing Agency** by rule and compli-
27 ance with all other requirements for renewal.

28 (b) Notwithstanding paragraph (a) of this subsection, the [*Health Licensing Office*] **agency** may
29 vary the renewal date of a registration by giving the applicant written notice of the renewal date
30 being assigned and by making prorated adjustments to the renewal fee.

31 (2) A registration that has not been renewed before the expiration date may be renewed within
32 one year of the expiration date if the holder of a registration submits an application for renewal and
33 pays the renewal fee and a delinquency fee for each calendar month following expiration, provides
34 satisfactory evidence in the application of completion of continuing education requirements and
35 complies with all other requirements for renewal.

36 (3) A registration that has not been renewed for more than one year and less than three years
37 after the expiration date may be renewed if the holder of a registration submits an application for
38 renewal, pays the renewal fee and a one-time restoration fee, submits satisfactory evidence in the
39 application of completion of continuing education requirements and complies with all other re-
40 quirements for renewal.

41 (4) The [*Health Licensing Office*] **agency** shall not renew the registration of any person who fails
42 to renew a registration for three successive years, but shall issue a registration to such a person
43 upon compliance with all of the requirements of ORS 700.030, 700.035, 700.053 or 700.062.

44 **SECTION 114.** ORS 700.105 is amended to read:

45 700.105. The [*Health Licensing Office*] **Oregon Health Licensing Agency**, in consultation with

1 the Environmental Health Registration Board, may adopt rules establishing continuing education
2 requirements that an applicant must meet to obtain renewal of a registration.

3 **SECTION 115.** ORS 700.111 is amended to read:

4 700.111. In the manner prescribed in ORS chapter 183 for contested cases, the [*Health Licensing*
5 *Office*] **Oregon Health Licensing Agency** may impose a form of discipline listed in ORS 676.612
6 against any person practicing as an environmental health specialist, an environmental health spe-
7 cialist trainee, a waste water specialist or a waste water specialist trainee for any of the grounds
8 listed in ORS 676.612, and for any violation of the provisions of this chapter or the rules adopted
9 thereunder.

10 **SECTION 116.** ORS 700.210 is amended to read:

11 700.210. There is established [*a board to be known as*] **within the Oregon Health Licensing**
12 **Agency** the Environmental Health Registration Board to consist of seven members to be appointed
13 by the Governor.

14 **SECTION 117.** ORS 700.220 is amended to read:

15 700.220. (1) The members of the Environmental Health Registration Board appointed by the
16 Governor shall be appointed from among the residents of this state and shall have the following
17 qualifications and terms of office:

18 (a) One shall be a physician licensed to practice medicine or surgery by the Board of Medical
19 Examiners for the State of Oregon [*and certified by the American Board of Preventive Medicine*
20 *and*] **who has an emphasis in** public health.

21 (b) Four shall be persons registered under this chapter who have at least four years of experi-
22 ence in environmental sanitation.

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

24 (d) One shall be a public member.

25 (2) Each successor to the members first appointed by the Governor and each successor to the
26 members first appointed by the Governor under subsection (1)(c) and (d) of this section shall hold
27 office for a term of three years to commence on July 1 following the expiration of the term of a
28 predecessor.

29 (3) Any vacancy among the seven members appointed by the Governor shall be filled for the
30 unexpired term by appointment by the Governor.

31 (4) Any member of the Environmental Health Registration Board may be removed by the Gov-
32 ernor for misconduct, incapacity or neglect of duty or inability to serve.

33 (5) The members of the board are entitled to compensation and expenses as provided in ORS
34 292.495, to be paid from the Environmental Health Registration Account.

35 **SECTION 118.** ORS 700.240 is amended to read:

36 700.240. (1) The [*Health Licensing Office*] **Oregon Health Licensing Agency**, in consultation
37 with the Environmental Health Registration Board, has such authority as is reasonably necessary
38 to administer this chapter, including the authority to adopt rules pursuant to ORS chapter 183.

39 (2) The agency has authority to administer oaths and subpoena witnesses.

40 (3) The agency shall keep a record of all proceedings of the agency, including a register of all
41 registrants. These records shall at reasonable times be open to the public.

42 (4) When the agency is satisfied that an applicant for registration under this chapter has com-
43 plied with all of the requirements thereof, it shall have issued to such applicant an appropriate
44 certificate evidencing registration.

45 **SECTION 119.** ORS 345.440 is amended to read:

1 345.440. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to
2 345.450 to teach hair design, barbering, facial technology or nail technology shall be conducted by
3 the *[Health Licensing Office]* **Oregon Health Licensing Agency**.

4 **SECTION 120.** ORS 345.450 is amended to read:

5 345.450. (1) In addition to the fees required by ORS 345.080, before issuing any license under
6 ORS 345.010 to 345.450 to a school teaching hair design, barbering, facial technology or nail tech-
7 nology, and annually thereafter, the Department of Education shall collect a nonrefundable annual
8 inspection fee of \$100.

9 (2) The inspection fee collected under subsection (1) of this section shall be transferred to the
10 *[Health Licensing Office]* **Oregon Health Licensing Agency** for inspections performed under ORS
11 345.440.

12 **SECTION 121.** ORS 676.600, 687.440, 687.455, 690.075 and 700.992 and section 11, chapter
13 736, Oregon Laws 1999, are repealed.

14 **SECTION 121a.** Notwithstanding section 5, chapter 117, Oregon Laws 2005 (Enrolled
15 House Bill 2105) (amending ORS 690.075), if House Bill 2105 becomes law, ORS 690.075 is re-
16 pealed.

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