

CHAPTER 43

AN ACT

HB 4063

Relating to professional licensure of applicants with military training or experience; creating new provisions; amending ORS 181.875, 342.195, 672.105, 672.118, 675.030, 675.240, 675.250, 677.512, 678.442, 680.515, 680.520, 684.040, 688.050, 688.455, 688.650, 688.720, 688.815, 688.819, 689.255, 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and 807.040; repealing sections 3 and 7, chapter 1, Oregon Laws 2012 (Enrolled House Bill 4008); and declaring an emergency.

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

SECTION 1. ORS 181.875 is amended to read:

181.875. (1) An applicant for certification as a private security professional:

(a) Must be:

(A) At least 18 years of age, if an applicant for certification as an unarmed private security professional; or

(B) At least 21 years of age, if an applicant for certification as an armed private security professional;

(b) Must have satisfactorily completed training requirements approved by the Board on Public Safety Standards and Training; and

(c) Must not be required to register or be registered as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609.

(2) An applicant meets the requirements of subsection (1)(b) of this section if the applicant provides the Department of Public Safety Standards and Training with documentation of military training or experience that the department determines is substantially equivalent to the training required by subsection (1)(b) of this section.

[(2)] (3) The department [of *Public Safety Standards and Training*], in consultation with the board, shall adopt rules specifying those crimes for which a conviction requires the denial or revocation of certification as a private security professional or instructor.

SECTION 1a. ORS 342.195 is amended to read:

342.195. [Upon payment of the required fees, an otherwise qualified applicant for an initial or basic teaching license shall be granted the license upon showing by proof satisfactory to the Teacher Standards and Practices Commission that the applicant has completed under an Armed Forces of the United States or Peace Corps program, or as a volunteer under section 603 of the Economic Opportunity Act of 1964 (Public Law 88-452), two years of satisfactory service which emphasized teaching in any preprimary program or in any grades 1 through 12 in subjects regularly taught in public schools if the applicant either:]

[(1) Has completed an approved teacher education program; or]

[(2) Has at least the baccalaureate degree from an accredited institution of higher education and has completed a teacher training program provided under the auspices of the federal program.] **An otherwise qualified applicant for an initial or basic teaching license shall be granted the license upon payment of the required fees and the showing by proof satisfactory to the Teacher Standards and Practices Commission that:**

(1) While the applicant was in the Peace Corps program or was a volunteer under section 603 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

(a) Completed two years of satisfactory service that emphasized teaching in any preprimary program or in any grade 1 through 12 in subjects regularly taught in public schools; and

(b)(A) Has completed an approved teacher education program; or

(B) Has earned at least a baccalaureate degree from an accredited institution of higher education and has completed a teacher training program provided under the auspices of the federal program; or

(2) The applicant was a certified instructor for the Armed Forces of the United States, if the applicant provides the commission with documentation of military training or experience that the commission determines is substantially equivalent to the training required for an initial or basic teaching license.

SECTION 2. ORS 672.105 is amended to read:

672.105. (1) As minimum evidence of qualification for the fundamentals in engineering examination, an applicant shall provide evidence of graduation in an approved engineering curriculum of four years or more from a school or college approved by the State Board of Examiners for Engineering and Land Surveying.

(2) Notwithstanding [the provisions of] subsection (1) of this section[,]:

(a) The board shall adopt rules to consider an applicant's work experience[,] or education, or other relevant factors, in lieu of a degree in engineering as qualification for the fundamentals in engineering examination.

(b) An applicant qualifies for the fundamentals in engineering examination if the board determines that the applicant has military training or experience that is substantially equivalent to the education required by subsection (1) of this section.

(3) The fundamentals in engineering examination shall be prescribed by the board and shall be devoted to basic engineering subjects. The examination shall be written or written and oral.

SECTION 3. ORS 672.118 is amended to read:

672.118. (1) As minimum evidence of qualification for the fundamentals examination in land surveying,

an applicant shall provide evidence of graduation in an approved land surveying or photogrammetric mapping curriculum of four years or more from a school or college approved by the State Board of Examiners for Engineering and Land Surveying.

(2) Notwithstanding [the provisions of] subsection (1) of this section[.];

(a) The board shall adopt rules to consider an applicant's work experience, or other relevant factors, in lieu of a degree as qualification for the fundamentals in land surveying examination.

(b) An applicant qualifies for the fundamentals in land surveying examination if the board determines that the applicant has military training or experience that is substantially equivalent to the education required by subsection (1) of this section.

(3) The fundamentals in land surveying examination shall be prescribed by the board and shall be devoted to basic land surveying subjects. The examination shall be written, or written and oral.

SECTION 4. ORS 675.030 is amended to read:

675.030. (1) Upon application for licensure accompanied by the established fee, the State Board of Psychologist Examiners shall issue a psychologist license to [any] **an** applicant who performs to the satisfaction of the board in examinations prescribed by the board and furnishes evidence satisfactory to the board that the applicant:

(a) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable rules of the board;

(b) Holds a doctoral degree in psychology[*such degree having been obtained*] from an approved doctoral program in psychology;

(c) Has satisfactorily completed [*such*] courses and training [*as may be*] required by the board;

(d) Has had two years of supervised employment **in the field of psychology:**

(A) Under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence; [*and*] **or**

(B) In the military; and

(e) Is of good moral character. For purposes of this section, the lack of good moral character may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct [*which*] **that** would cause a reasonable person to have substantial doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation. The conduct or acts in question must be rationally connected to the applicant's fitness to practice psychology.

(2) The board shall adopt rules by which a person receiving post-doctoral supervision during the application process may enter into a contract to practice psychology under the supervision of a licensed psychologist, psychologist associate or a person considered by the board to have equivalent supervisory competence. An applicant who enters such a contract shall be designated as a psychologist

resident or a psychologist associate resident, accordingly, and shall be subject to ORS 675.010 to 675.150.

SECTION 5. ORS 675.240 is amended to read:

675.240. (1) Except as provided in ORS 675.270, [*each*] **an** applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist [*shall*] **must:**

[(1)] (a) Have successfully completed an educational program in occupational therapy recognized by the Occupational Therapy Licensing Board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

[(2)] (b) Pass to the satisfaction of the board an examination adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

[(3)] (c) Have successfully completed at least six months of supervised field work that complies with rules adopted by the board.

[(4)] (d) Comply with continuing education requirements as adopted by the board by rule.

[(5)] (e) If [*the*] **an** applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapist.

(2) An applicant meets the requirements of subsection (1)(c) of this section if the applicant provides the board with documentation of military experience that the board determines is substantially equivalent to the experience required by subsection (1)(c) of this section.

SECTION 6. ORS 675.250 is amended to read:

675.250. (1) Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to 675.340 as an occupational therapy assistant shall:

[(1)] (a) Be at least 18 years of age.

[(2)] (b) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the Occupational Therapy Licensing Board.

[(3)] (c) Pass an examination approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant.

[(4)] (d) Have successfully completed at least two months of supervised field work that complies with rules adopted by the board.

[(5)] (e) Comply with continuing education requirements as adopted by the board by rule.

[(6)] (f) If [*the*] **an** applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapy assistant.

(2) An applicant meets the requirements of subsection (1)(b) or (d) of this section if the applicant provides the board with documentation of military training or experience that the board

determines is substantially equivalent to the education or experience required by subsection (1)(b) or (d) of this section.

SECTION 7. ORS 677.512 is amended to read:

677.512. (1) A person seeking licensure as a physician assistant shall complete an application form provided by the Oregon Medical Board and submit the form to the board, accompanied by nonrefundable fees for the application and for the license in amounts determined by rule of the board.

(2) The board may issue a license to a physician assistant who:

(a) Submits an application as required by the board by rule;

(b) Pays the application fee established by the board by rule;

(c) Has completed an educational program accredited by a nationally recognized accreditation organization for physician assistant educational programs;

(d) Has passed the initial national examination required of physician assistants to become nationally certified;

(e) Is mentally and physically able to engage safely in practice as a physician assistant;

(f) Has not been disciplined by a physician assistant licensing board in another state, unless the board considers the discipline and determines that the person is competent to practice as a physician assistant; and

(g) Is of good moral character as determined by the board.

(3) The board may issue a license by reciprocity to a person who is licensed as a physician assistant in another state and meets the requirements of subsection (2)(c) and (d) of this section.

(4)(a) The board shall adopt necessary and proper rules to govern the renewal of licenses issued under this section.

(b) If the board requires a licensee to complete continuing education in order to renew a license issued under this section, the board shall allow a licensee to meet those requirements by providing the board with documentation of military training or experience that is substantially equivalent to the continuing education required by the board.

SECTION 8. ORS 678.442 is amended to read:

678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who *[applies therefor,]*:

(a) Submits an application;

(b)(A) Shows completion of an approved training program for nursing assistants *[and]*; or

(B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; and

(c) Passes a board approved examination.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

(a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.

(c) Impairment as defined in ORS 676.303.

(d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

(e) Physical condition that makes the certificate holder unable to perform safely the duties of a nursing assistant.

(f) Conduct unbecoming a nursing assistant in the performance of duties.

(3) The board shall establish by rule a procedure for the biennial renewal of nursing assistant certificates. The certificate renewal procedure *[shall]* **must** be substantially like the procedure established for the licensing of nurses under ORS 678.101.

(4) Notwithstanding ORS 192.501, the board may use the results of a nursing assistant examination for the continuing education of applicants for certification as a nursing assistant.

SECTION 9. ORS 680.515 is amended to read:

680.515. (1) Subject to the provisions of ORS 676.612, upon application accompanied by payment of required fees, the Oregon Health Licensing Agency shall issue a license to practice denture technology to *[any]* **an** applicant who *[submits proof satisfactory to the agency that the applicant has completed all requirements for licensure, which include, but are not limited to]*:

(a) *[Providing]* **Provides** to the agency official transcripts verifying completion of an associate degree program in denture technology, or the equivalent in formal, post-secondary education, approved by the agency in consultation with the Oregon Student Access Commission and the Department of Education. *[The educational program shall include pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture laboratory technology,]*

(b) *[Providing]* **Provides** to the agency documentation of 1,000 hours of supervised clinical practice in denture technology, completed while enrolled in or after having completed a course of study offered in a post-secondary educational institution, or through equivalent supervised experience, as determined by the agency in consultation with the commission and the department *[of Education; and]*.

(c) *[Passing]* **Passes** a written and a practical examination prescribed, recognized or approved by

the State Board of Denture Technology. An applicant who fails the practical examination must complete additional hours of clinical and laboratory training in an approved work experience program, as determined by the [State Board of Denture Technology] board, to qualify for reexamination.

(d) Meets other requirements established by the agency by rule.

(2) The educational program required by subsection (1)(a) of this section must include pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture laboratory technology.

[2] **(3)** Notwithstanding subsection (1)(a) of this section, the [State Board of Denture Technology] board may accept educational training obtained in any other state or country if, upon review of satisfactory evidence, the agency determines that the educational program in the other state or country meets the educational standards prescribed under this section.

(4) An applicant meets the requirements of subsection (1)(a) or (b) of this section if the applicant provides the agency with documentation of military training or experience that the agency determines is substantially equivalent to the training or experience required by subsection (1)(a) or (b) of this section.

[3] **(5)** Notwithstanding subsection (1)(c) of this section, the agency may adopt rules providing for waiver of the practical examination requirement.

[4] **(6)** The agency may adopt rules allowing for issuance of a temporary license to practice denture technology.

SECTION 10. ORS 680.520 is amended to read:

680.520. (1) Examinations of applicants for licensure under ORS 680.500 to 680.565 shall be held at least once a year at such times and places as the State Board of Denture Technology may determine. Timely and appropriate notice shall be given to each applicant.

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

NOTE: Sections 11 through 13 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 14. ORS 684.040 is amended to read:

684.040. (1) Any person applying for a license to practice chiropractic in this state shall make application to the State Board of Chiropractic Examiners, upon such form and in such manner as may be provided by the board. The application must be accompanied by nonrefundable fees of:

(a) \$150; and

(b) The amount established by the board by rule under ORS 181.534.

(2) Each applicant shall furnish to the board:

(a) Evidence satisfactory to the board of the applicant's good moral character.

(b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

(c) Evidence of successful completion of at least two years of liberal arts and sciences study, in any college or university accredited by either the Northwest Association of Schools and Colleges or a like regional association or in any college or university in Oregon approved for granting degrees by the Oregon Student Access Commission.

(d) A diploma and transcript, certified by the registrar, or other documents satisfactory to the State Board of Chiropractic Examiners evidencing graduation from a chiropractic school or college approved by the board under the board's academic standards, or from a school accredited by the Council on Chiropractic Education or its successor agency, under standards that are accepted and adopted biennially by the board in the version applied to that school by the accrediting agency.

(e) A statement of any other health care provider license in this state held by the applicant, with identifying information required by the State Board of Chiropractic Examiners.

(3) An applicant meets the requirements of subsection (2)(c) or (d) of this section if the applicant provides the State Board of Chiropractic Examiners with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (2)(c) or (d) of this section.

[3] **(4)** The State Board of Chiropractic Examiners may waive the requirements of subsection (2)(c) of this section for any applicant for a license to practice chiropractic if the applicant is licensed in another state and practiced chiropractic in that state, but the applicant must pass the examination authorized by ORS 684.050 or by ORS 684.052.

SECTION 15. ORS 688.050 is amended to read:

688.050. (1) Each applicant for a license as a physical therapist shall:

(a) Be at least 18 years of age.

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

(c) **(A)** Be a graduate of an accredited professional physical therapy education program approved by the board[,] ; **or**

(B) Have military experience or training that the board determines is substantially equivalent

to the education required by subparagraph (A) of this paragraph.

(d) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to practice as a physical therapist or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.

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

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

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

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

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

(3) If an applicant who has been educated outside the United States is a graduate of an accredited physical therapy education program approved by the board, the board may waive the requirements of subsection (2)(a) and (b) of this section.

SECTION 16. ORS 688.455 is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

(a) Is at least 18 years of age;

(b) Has graduated from an approved school;

(c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;

(d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;

(e) Has not had a credential revoked by any credentialing organization;

(f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society; and

(g) Meets the requirements for licensing as described in ORS 688.495.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3) An applicant meets the requirements of subsection (1)(b) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (1)(b) of this section.

[(3)(a)] (4)(a) The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case-by-case basis and shall adopt rules governing issuance of a new license.

SECTION 17. ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

(a) Is at least 18 years of age;

(b) Has graduated from an approved school or has otherwise met the examination requirements and policies of a credentialing organization in a medical imaging modality recognized by the board;

(c) Holds a credential issued by a credentialing organization in a medical imaging modality recognized by the board;

(d) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;

(e) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;

(f) Has not had a credential revoked by any credentialing organization;

(g) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society; and

(h) Meets the requirements for licensing as described in ORS 688.495.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3) An applicant meets the requirements of subsection (1)(b) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education or experience required by subsection (1)(b) of this section.

[(3)(a)] (4)(a) The board may consider issuing a new license to a person whose revoked credential

has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case-by-case basis and shall adopt rules governing issuance of a new license.

SECTION 17a. If House Bill 4008 becomes law, sections 16 and 17 of this 2012 Act (both amending ORS 688.455) are repealed.

SECTION 17b. If House Bill 4008 becomes law, ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, and section 2, chapter 1, Oregon Laws 2012 (Enrolled House Bill 4008), is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

- (a) Is at least 18 years of age;
- (b) Satisfies one of the following requirements:
 - (A) Has graduated from an approved school;
 - (B) No later than December 31, 2010, passed the examination of the American Registry of Radiologic Technologists after being sponsored for the examination by the State of Oregon;
 - (C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active license from the Board of Medical Imaging on July 1, 2010; or
 - (D) Meets the requirements for licensing under ORS 688.495;
- (c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;
- (d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;
- (e) Has not had a credential revoked by any credentialing organization; and
- (f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

(3) An applicant meets the requirements of subsection (1)(b)(A) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (1)(b)(A) of this section.

[(3)(a)] **(4)(a)** The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case by case basis and shall adopt rules governing issuance of a new license.

SECTION 17c. If House Bill 4008 becomes law, sections 3 (amending ORS 688.455) and 7, chapter 1, Oregon Laws 2012 (Enrolled House Bill 4008), are repealed and ORS 688.455, as amended by section 7, chapter 833, Oregon Laws 2009, section 2, chapter 1, Oregon Laws 2012 (Enrolled House Bill 4008), and section 17b of this 2012 Act, is amended to read:

688.455. (1) The Board of Medical Imaging shall issue a license to a person to practice a medical imaging modality if the person makes an application in writing and pays a fee in an amount established by the board and if the person, at the time of application:

- (a) Is at least 18 years of age;
- (b) Satisfies one of the following requirements:
 - [(A) Has graduated from an approved school;]
 - (A) Holds a credential issued by a credentialing organization in a medical imaging modality recognized by the board or provides the board with documentation of military training or experience that the board determines is substantially equivalent to the credentialing requirements;**
 - (B) No later than December 31, 2010, passed the examination of the American Registry of Radiologic Technologists after being sponsored for the examination by the State of Oregon;
 - (C) Was initially licensed by the Board of Radiologic Technology before 1980 and held an active license from the Board of Medical Imaging on July 1, 2010; or
 - (D) Meets the requirements for licensing under ORS 688.495;
- (c) Has undergone a background check to the satisfaction of the board as established in rules adopted by the board;
- (d) Has not had a license of any type revoked by this state or any state, territory of the United States or nation;
- (e) Has not had a credential revoked by any credentialing organization; and
- (f) Meets the standards of ethical conduct established in the professional standards of the corresponding credentialing organization or a medical imaging modality's professional society.

(2) All applicants for a license are subject to the examination policies of their respective credentialing organizations.

[(3) An applicant meets the requirements of subsection (1)(b)(A) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (1)(b)(A) of this section.]

[(4)(a)] **(3)(a)** The board may consider issuing a new license to a person whose revoked credential has been reinstated by a credentialing organization

or whose license of any type has been reinstated by another state.

(b) The board shall consider issuing a new license under this subsection on a case by case basis and shall adopt rules governing issuance of a new license.

SECTION 18. ORS 688.650 is amended to read: 688.650. (1)(a) When application has been made as required under ORS 688.640, the Oregon Health Authority shall certify [the] **an applicant as a hemodialysis technician if [it finds] the authority finds that the applicant:**

[(a)] (A) [The applicant] Has successfully completed the training requirement adopted by the authority.

[(b)] (B) [A fee has been paid] **Has paid a fee to the authority pursuant to ORS 688.645.**

[(c)] (C) [The applicant] Has successfully completed an examination administered by the authority or administered by another public or private entity and approved by the authority.

[(d)] (D) [The applicant] Meets any other requirements prescribed by rule of the authority.

(b) An applicant meets the requirements of paragraph (a)(A) of this subsection if the applicant provides the authority with documentation of military training or experience that the authority determines is substantially equivalent to the training requirement adopted by the authority.

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

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

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

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

(3) Each person holding a certificate under this section shall submit, at the time of application for renewal of the certificate to the authority, evidence of the applicant's satisfactory completion of any continuing education requirements prescribed by rule by the authority.

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

(5) Each certification issued under this section, unless sooner suspended or revoked, shall expire and be renewable after a period of two years. Each cer-

tificate must be renewed on or before June 30 of every second year or on or before such date as may be specified by authority rule. The authority by rule shall establish a schedule of certificate renewals under this subsection and shall prorate the fees to reflect any shorter certificate period.

SECTION 19. ORS 688.720 is amended to read: 688.720. [An applicant for] **The Board of Athletic Trainers shall issue a registration as an athletic trainer under ORS 688.701 to 688.734 [shall be issued a registration if the] to an applicant who has:**

(1) Provided to the board [of Athletic Trainers] adequate proof of:

(a) Receipt of a bachelor's degree from an accredited four-year college or university and has met the minimum athletic training curriculum requirements established by the board [of Athletic Trainers] and adopted by rule; or

(b) Military experience or training that the board determines is substantially equivalent to the education required by paragraph (a) of this subsection;

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

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

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

(5) Paid all fees required for registration.

SECTION 20. ORS 688.815 is amended to read: 688.815. (1) An applicant for a license to practice respiratory care shall:

(a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

(A) Is at least 18 years of age;

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

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

(b) Pass an examination approved by the board.

(2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant provides the agency with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (1)(a)(C) of this section.

[(2)] (3) The agency may issue a license to practice respiratory care by endorsement or reciprocity to:

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

(b) An applicant holding an active credential conferred by the National Board for Respiratory Care as a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or both.

[(3)] (4) Except as provided in subsection [(7)] (8) of this section, all licenses expire on the last day of the month, one year from the date of issuance.

[(4)] (5) To renew a license to practice respiratory care, a licensee must submit to the agency a completed renewal application, required renewal fee and satisfactory evidence of completion of any required continuing education credits on or before the expiration date of the license as specified by agency rule.

[(5)] (6) The agency shall adopt by rule requirements for late renewal of a license, reactivation of an expired license or reinstatement of a license that has been expired for more than three consecutive years.

[(6)] (7) If the license of a respiratory care practitioner has been denied, suspended or revoked for commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the license for up to one year from the date of denial, suspension or revocation.

[(7)] (8) The agency may vary the date of license renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

SECTION 21. ORS 688.819 is amended to read: 688.819. (1) An applicant for a polysomnographic technologist license shall:

(a) Submit to the Oregon Health Licensing Agency written evidence that the applicant:

(A) Is at least 18 years of age;

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

(C) Has completed a polysomnography education program approved by the Respiratory Therapist and Polysomnographic Technologist Licensing Board; and

(b) Pass an examination approved by the board.

(2) An applicant meets the requirements of subsection (1)(a)(C) of this section if the applicant provides the agency with documentation of military training or experience that the board determines is substantially equivalent to the education required by subsection (1)(a)(C) of this section.

[(2)] (3) The agency may issue a polysomnographic technologist license by endorsement or reciprocity to:

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

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

(b) An applicant holding an active credential approved by the board.

[(3)] (4) Except as provided in subsection [(7)] (8) of this section, all licenses expire on the last day of the month, one year from the date of issuance.

[(4)] (5) To renew a polysomnographic technologist license, a licensee must submit to the agency a completed renewal application, required renewal fee and satisfactory evidence of completion of any required continuing education credits on or before the expiration date of the license as specified by agency rule.

[(5)] (6) The agency shall adopt by rule requirements for late renewal of a license, reactivation of an expired license or reinstatement of a license that has been expired for more than three consecutive years.

[(6)] (7) If a polysomnographic technologist license has been denied, suspended or revoked for commission of a prohibited act under ORS 676.612, the agency may refuse to issue or renew the license for up to one year from the date of denial, suspension or revocation.

[(7)] (8) The agency may vary the date of license renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

[(8)] (9) The agency may issue a temporary permit to practice polysomnography in accordance with rules adopted by the agency.

SECTION 22. ORS 689.255 is amended to read: 689.255. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

(a) Have submitted a written application in the form prescribed by the State Board of Pharmacy.

(b) Have attained the age of 18 years.

(c) Be of good moral character and temperate habits.

(d) Have completed requirements for the first professional undergraduate degree as certified by a school or college of pharmacy which has been approved by the board.

(e) Have completed an internship or other program which has been approved by the board, or demonstrated to the board's satisfaction experience in the practice of pharmacy which meets or exceeds the minimum internship requirements of the board.

(f) Have successfully passed an examination approved by the board.

(g) Have paid the fees specified by the board for examination and issuance of license.

(2)(a) The board shall approve the content and subject matter of each examination and determine which persons have successfully passed the examination.

(b) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ and cooperate with any organization or consultant in the

preparation and grading of an appropriate examination, but shall retain the sole discretion and responsibility of determining which applicants have successfully passed such an examination.

(3)(a) All applicants for licensure by examination shall obtain professional and practical experience in the practice of pharmacy concurrent with or after college attendance, or both, under such terms and conditions as the board shall determine.

(b) The board shall establish standards for internship or any other program necessary to qualify an applicant for the licensure examination based on nationally recognized standards of practice and shall also determine the necessary qualifications of any preceptors used in any internship or other program.

(4) Any person who has received a professional degree from a school or college of pharmacy located outside the United States which has not been approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in the State of Oregon may be deemed to have satisfied the degree requirements of subsection (1)(d) of this section by verification to the board of the academic record and graduation of the person and by meeting such other requirements as the board may establish. The board may require such person to successfully pass an examination or examinations given or approved by the board to establish proficiency in English and equivalency of education of such person with qualified graduates of a degree program referred to in subsection (1)(d) of this section as a prerequisite of taking the licensure examination provided for in subsection (1)(f) of this section.

(5) An applicant meets the requirements of subsection (1)(e) or (3) of this section if the applicant provides the board with documentation of military experience that the board determines is substantially equivalent to the experience required by subsection (1)(e) or (3) of this section.

SECTION 23. ORS 689.490 is amended to read: 689.490. (1) In accordance with any applicable provisions of ORS chapter 183, the State Board of Pharmacy, by rule, shall establish a licensing system for persons who perform the duties of a pharmacy technician. The licensing system shall include but not be limited to the following provisions:

(a) Prescribing the form and content of and the procedures for submitting an application for the issuance or renewal of a technician license.

(b) Prescribing the fee for the original license and for renewal of a license in an amount not to exceed \$50 and the fee for delinquent license renewal in an amount not to exceed \$50.

(c) Allowing an applicant to meet educational and experience requirements by providing the board with documentation of military training or experience that is substantially equivalent to the education or experience required by the board.

(2) The board may refuse to issue or renew, or may suspend, revoke or restrict a technician license:

(a) For any reason listed under ORS 689.405 (1);

(b) If the applicant is not authorized to work for hire under Oregon law; or

(c) For any other grounds that the board, in its discretion, believes would disqualify the applicant for a license.

(3) Denial of a license under subsection (2) of this section shall be considered a contested case under ORS chapter 183.

SECTION 24. ORS 690.047 is amended to read:

690.047. (1) The Board of Cosmetology may choose to waive all or part of the educational requirement for an applicant in a field of practice and allow the applicant to take the certification examination, provided that:

(a) The applicant's education or training, **including relevant education or training obtained in the military**, is determined by the board to be substantially equivalent to Oregon certification requirements;

(b) The applicant is otherwise qualified to take the examination; and

(c) The applicant's certification in another state is in good standing.

(2) The Oregon Health Licensing Agency may issue a specialty certificate in a field of practice to a practitioner who has:

(a) Completed post-graduate education approved by the agency that is separate from the education or training required for entry-level certification;

(b) Passed an examination approved or recognized by the board;

(c) Paid the required fees; and

(d) Completed prescribed continuing education credits as determined by agency rule.

SECTION 25. ORS 692.045 is amended to read:

692.045. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to practice as a funeral service practitioner if the individual meets the following requirements:

(a) The individual must apply to the board for a funeral service practitioner's license on an application form provided by the board.

(b) The individual must pass an examination conducted by the board under ORS 692.070 following application for the funeral service practitioner's license.

(c) The individual must successfully complete practical experience as a funeral service practitioner's apprentice under ORS 692.190.

(2) An individual may not take an examination under ORS 692.070 until the individual has provided written evidence of graduation from an associate degree program meeting the requirements established by board rule.

(3) An applicant meets the requirements of subsection (1)(c) or (2) of this section if the applicant provides the board with documentation of military training or experience that the board determines is substantially equivalent to the education or experience required by subsection (1)(c) or (2) of this section.

[3] (4) Notwithstanding subsection (2) of this section, an applicant with four years of experience as a licensed funeral service practitioner or embalmer in this state or in another state is not required to provide written evidence of graduation from an associate degree program in order to take the examination under ORS 692.070.

SECTION 26. ORS 692.105 is amended to read:

692.105. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to practice as an embalmer if the individual is 18 years of age or older, applies for a license and has successfully met the qualifications described in this section.

(2) An individual must apply for a license by applying to the board on an application form provided by the board.

(3) An individual applying for a license under this section must meet the following requirements:

(a) The individual must complete 12 months of practical experience as an embalmer's apprentice as provided in ORS 692.190.

(b) The individual must provide written evidence of graduation from an accredited program of funeral service education.

(c) The individual must obtain a passing score on the examination provided in ORS 692.130 or show evidence satisfactory to the board that the individual has successfully passed the National Board Examination as administered by the Conference of Funeral Service Examining Boards.

(d) The individual must be knowledgeable in the application of state law.

(4) When an individual provides written evidence of graduation from an accredited program of funeral service education, if the individual does not show evidence satisfactory to the **State Mortuary and Cemetery Board**, as provided under subsection (3) of this section, that the individual has passed the National Board Examination, the **State Mortuary and Cemetery Board** may examine the individual as provided in ORS 692.130. In any case, however, the board *[shall]* **may** not issue an embalmer's license until an individual has completed the apprenticeship qualification.

(5) An applicant meets the requirements of subsection (3)(a) of this section if the applicant provides the State Mortuary and Cemetery Board with documentation of military experience that the board determines is substantially equivalent to the experience required by subsection (3)(a) of this section.

SECTION 27. ORS 703.080 is amended to read:

703.080. (1) To become a trainee an applicant *[shall]* **must** satisfy ORS 703.090 (1)(a) to (d) and:

(a) Have graduated from a polygraph examiners course approved by the Department of Public Safety Standards and Training[.]; **or**

(b) **Provide documentation of military experience or training that the department determines is substantially equivalent to the**

education required by paragraph (a) of this subsection.

(2) To receive a general license an applicant shall satisfy ORS 703.090 (1)(a) to (g). The trainee shall receive a general license upon satisfaction of ORS 703.090 (1)(e) to (g). The department shall require such proof as is necessary to establish satisfaction of the additional requirements.

SECTION 28. ORS 703.090 is amended to read:

703.090. (1) All of the following requirements apply to an applicant for a license as a general polygraph examiner. The applicant must:

(a) Be at least 18 years of age.

(b) Be a citizen of the United States.

(c) Not have demonstrated, in the preceding 10 years, a course of behavior that indicates a high degree of probability that the applicant will be unlikely to perform the duties of a polygraph examiner in a manner that would serve the interests of the public.

(d) If previously convicted for a criminal offense, provide information, as required by the Department of Public Safety Standards and Training, relating to the circumstances of the conviction. ORS 670.280 is applicable when the department considers information provided under this paragraph.

(e)(A) Have received a baccalaureate degree from a college or university that is accredited by the American Association of Collegiate Registrars and Admissions Officers; or

(B) Have graduated from high school or have been awarded a General Educational Development (GED) certificate, and have at least five years of active investigative experience before the date of application.

(f) Have graduated from a polygraph examiners course approved by the department and conforming to any minimum training standards approved by the Board on Public Safety Standards and Training and have satisfactorily completed at least 200 examinations, or have worked as a polygraph examiner for a period of at least five years for a governmental agency within the State of Oregon and have satisfactorily completed at least 200 examinations.

(g) Have successfully completed an examination conducted by the department to determine, consistent with any standards approved by the board, competency to act as a polygraph examiner.

(2) An applicant meets the requirements of subsection (1)(e) or (f) of this section if the applicant provides the Department of Public Safety Standards and Training with documentation of military training or experience that the department determines is substantially equivalent to the education or experience required by subsection (1)(e) or (f) of this section.

[2] (3) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Public Safety Standards and Training shall require each applicant to be fingerprinted as part of the licensing procedure.

[3] (4) Notwithstanding ORS 181.534 (5) and (6), the Department of State Police shall maintain in the department's files fingerprint cards submitted to it for purposes of conducting a state or nationwide criminal records check under ORS 181.534 on applicants for a license as a general polygraph examiner.

[4] (5) When the Department of Public Safety Standards and Training refuses to issue a license based upon an applicant's failure to meet the requirements of subsection (1)(c) of this section, the department shall prepare a concise, specific written statement of the facts supporting the department's conclusion that there is a high degree of probability that the applicant will be unlikely to perform required duties in a manner that would serve the interests of the public. A copy of the statement must be given to the applicant.

SECTION 29. ORS 703.415 is amended to read: 703.415. In order to obtain a private investigator's license, a person:

- (1) Must be at least 18 years of age;
- (2) Must be eligible to work in the United States;
- (3) Must not have committed any act that constitutes grounds for denial of a private investigator's license;
- (4) Must have obtained a passing score on the test of investigator competency adopted by the Board on Public Safety Standards and Training and administered by the Department of Public Safety Standards and Training;
- (5) Must submit to fingerprinting and criminal records checks as prescribed by the board by rule;
- (6) Must have a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the department may prescribe by rule in the sum of at least \$5,000, or errors and omissions insurance in the sum of at least \$5,000; and
- (7) Must have at least 1,500 hours of experience in investigatory work, have completed a related course of study approved by the department or have a combination of work experience and education, **including relevant training and experience obtained in the military**, approved by the department.

SECTION 30. ORS 807.040 is amended to read: 807.040. (1) The Department of Transportation shall issue a driver license to any person who complies with all of the following requirements:

- (a) The person must complete an application for a license under ORS 807.050.
- (b) As required by ORS 807.021 and 807.730, the person must provide the Social Security number assigned to the person by the United States Social Security Administration and proof of legal presence in the United States or, if the person is not eligible for a Social Security number, proof of legal presence in the United States and proof that the person is not eligible for a Social Security number.

(c) The person must submit to collection of biometric data by the department that establish the identity of the person as described in ORS 807.024.

(d) The person must not be ineligible for the license under ORS 807.060 and must be eligible for the license under ORS 807.062.

(e) The person must successfully pass all examination requirements under ORS 807.070 for the class of license sought.

(f) The person must pay the appropriate license fee under ORS 807.370 for the class of license sought.

(g) The person must pay the Student Driver Training Fund eligibility fee.

(h) If the application is for a commercial driver license, the person must be the holder of a Class C license or any higher class of license.

(i) If the application is for a commercial driver license, the person must submit to the department, in a form approved by the department, the report of a medical examination that establishes that the person meets the medical requirements for the particular class of license. The department, by rule, shall establish medical requirements for purposes of this paragraph. The medical requirements established under this paragraph may include any requirements the department determines are necessary for the safe operation of vehicles permitted to be operated under the class of license for which the requirements are established.

(j) If the application is for a commercial driver license, the person must:

(A) Have at least one year's driving experience, **including relevant experience obtained in the military**;

(B) Not be disqualified from holding a commercial driver license under ORS 809.404; and

(C) Not be otherwise ineligible to hold a commercial driver license.

(2) The department shall work with other agencies and organizations to attempt to improve the issuance system for driver licenses.

SECTION 31. (1) The amendments to ORS 181.875, 342.195, 672.105, 672.118, 675.030, 675.240, 675.250, 678.442, 680.515, 680.520, 684.040, 688.050, 688.455, 688.650, 688.720, 688.815, 688.819, 689.255, 689.490, 690.047, 692.045, 692.105, 703.080, 703.090, 703.415 and 807.040 by sections 1 to 6 and 8 to 30 of this 2012 Act apply to applications for licenses, certificates and registrations submitted on or after the effective date of this 2012 Act.

(2) The amendments to ORS 677.512 by section 7 of this 2012 Act apply to applications for renewal of a license submitted on or after the effective date of this 2012 Act.

SECTION 32. The amendments to ORS 688.455 by section 17c of this 2012 Act become operative on January 1, 2014.

SECTION 33. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

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