

**CHAPTER 568**

AN ACT

HB 2074

Relating to the regulation of health-related occupations; creating new provisions; amending ORS 345.440, 345.450, 670.304, 675.375, 675.380, 675.385, 675.395, 675.400, 675.405, 675.410, 676.165, 676.185, 676.205, 676.303, 676.405, 676.605, 676.606, 676.607, 676.608, 676.609, 676.610, 676.611, 676.612, 676.613, 676.615, 676.617, 676.618, 676.622, 676.625, 676.992, 678.710, 678.725, 678.740, 678.760, 678.770, 678.775, 678.780, 678.790, 678.800, 678.820, 680.515, 680.520, 680.525, 680.527, 680.530, 680.535, 680.550, 680.556, 680.565, 687.420, 687.425, 687.430, 687.435, 687.445, 687.470, 687.482, 687.485, 687.490, 688.705, 688.707, 688.709, 688.715, 688.724, 688.728, 688.734, 688.815, 688.819, 688.820, 688.830, 688.834, 688.836, 688.840, 690.005, 690.015, 690.025, 690.035, 690.047, 690.048, 690.055, 690.085, 690.105, 690.123, 690.155, 690.165, 690.167, 690.195, 690.225, 690.235, 690.365, 690.370, 690.380, 690.385, 690.390, 690.401, 690.405, 690.407, 690.410, 690.415, 691.435, 691.445, 691.465, 691.475, 691.477, 691.479, 691.485, 694.015, 694.025, 694.036, 694.042, 694.055, 694.065, 694.085, 694.115, 694.125, 694.142, 694.147, 694.155, 694.165, 694.170, 694.185, 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 and 700.240; and repealing ORS 676.620.

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

**HEALTH LICENSING OFFICE**

**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 involved in protecting the public through the licensing and regulation of health-related professions and occupations practiced in this state under a uniform mission and uniform goals, *[there is hereby created the Oregon Health Licensing Agency]* **the Health Licensing Office is created within the Oregon Health Authority.**

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

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

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

(c) Form partnerships and work in collaboration with each constituency, local and state governmental agencies, educators, organizations and other

affected entities to encourage diverse opinions and perspectives.

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

(e) Resolve disputes between regulatory entities regarding the scope of practice of persons licensed by those entities.

**APPOINTMENT OF DIRECTOR**

**SECTION 2.** ORS 676.610 is amended to read:

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

(b) The Director of the Oregon *[Department of Administrative Services]* **Health Authority** shall establish the qualifications for and appoint the Director of the *[Oregon]* Health Licensing *[Agency]* **Office**, who holds office at the pleasure of the Director of the Oregon *[Department of Administrative Services]* **Health Authority.**

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

(d) The Director of the *[Oregon]* Health Licensing *[Agency]* **Office** is in the unclassified service.

(2) The Director of the *[Oregon]* Health Licensing *[Agency]* **Office** shall provide the boards, councils and programs administered by the *[agency]* **office** with such services and employees as the *[agency]* **office** requires to carry out the *[agency's]* **office's** duties. Subject to any applicable provisions of the State Personnel Relations Law, the Director of the *[Oregon]* Health Licensing *[Agency]* **Office** shall appoint all subordinate officers and employees of the *[agency]* **office**, prescribe their duties and fix their compensation.

(3) The Director of the *[Oregon]* Health Licensing *[Agency]* **Office** is responsible for carrying out the duties, functions and powers under ORS 675.360 to 675.410, 676.605 to 676.625, 676.992, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185 and ORS chapter 700.

(4) The enumeration of duties, functions and powers in subsection (3) of this section is not intended to be exclusive or to limit the duties, functions and powers imposed on or vested in the *[Oregon Health Licensing Agency]* **office** by other statutes.

**SECTION 3.** **The Director of the Oregon Health Licensing Agency shall serve, on and after the operative date specified in section 142 of this 2013 Act, as the Director of the Health Li-**

**censing Office until the Director of the Oregon Health Authority appoints a new director under ORS 676.610.**

#### **REPORTS SUBMITTED TO GOVERNOR**

**SECTION 4.** ORS 676.611 is amended to read:

676.611. (1) In addition to any other duties imposed by law or otherwise required of state agencies, the Director of the [Oregon] Health Licensing [Agency] **Office** shall keep all records of the [agency] **Health Licensing Office** and discharge all duties prescribed by the [agency] **office**.

(2) The director shall prepare periodic reports regarding the licensing, monitoring and investigative activities of the [agency] **office**. The director shall submit the reports to the Governor. The Oregon [Department of Administrative Services] **Health Authority**, in consultation with the [agency] **office**, shall adopt rules specifying requirements for the report content and processes for preparing and submitting the reports. The rules may be consistent with performance management measures and processes initiated by the [department] **authority**. The rules shall require the [agency] **office** to undergo a peer review of [agency] **office** activities by a team of executive directors of health professional regulatory boards, as defined in ORS 676.160, and at least one public member of a health professional regulatory board. The [department] **authority** may assess the [agency] **office** for the cost of the peer review.

**SECTION 5.** The amendments to ORS 676.611 by section 4 of this 2013 Act apply to reports submitted to the Governor on or after the operative date specified in section 142 of this 2013 Act.

#### **HEALTH LICENSING OFFICE ACCOUNT**

**SECTION 6.** ORS 676.625 is amended to read:

676.625. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and shall collect fees and charges to carry out the [agency's] **office's** responsibilities under ORS 676.605 to 676.625 and 676.992 and any responsibility imposed on the [agency] **office** pertaining to the boards, councils and programs administered and regulated by the [agency] **office** pursuant to ORS 676.606.

(2) The [Oregon] Health Licensing [Agency] **Office** Account is established [in] **separate and distinct from** the General Fund [of the State Treasury]. The account shall consist of the moneys credited to the account by the Legislative Assembly. All moneys in the account are **continuously** appropriated [continuously] to and shall be used by the [Oregon Health Licensing Agency] **office** for payment of expenses of the [agency] **office** in carrying out the duties, functions and obligations of the [agency] **office**, and for payment of the expenses of the boards, councils and programs administered and regulated

by the [agency] **office** pursuant to ORS 676.606. The [agency] **office** shall keep a record of all moneys credited to the account and report the source from which the moneys are derived and the activity of each board, council or program that generated the moneys.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting fees and charges credited to the account, the fees and charges may not exceed the cost of administering the [agency] **office** and the boards, councils and programs within the [agency] **office**, as authorized by the Legislative Assembly within the [agency's] **office's** budget, as the budget may be modified by the Emergency Board.

(4) All moneys credited to the account pursuant to ORS 675.405, 676.617, 680.525, 687.435, 688.728, 688.834, 690.235, 690.415, 691.479, 694.185 and 700.080, and moneys credited to the account from other [agency] **office** and program fees established by the [agency] **office** by rule, are continuously appropriated to the [agency] **office** for carrying out the duties, functions and powers of the [agency] **office** under ORS 676.605 to 676.625 and 676.992.

(5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and accounted for as are other moneys received by the [agency] **office** and shall be for the administration and enforcement of the statutes governing the boards, councils and programs administered by the [agency] **office**.

**SECTION 7.** The amendments to ORS 676.625 by section 6 of this 2013 Act do not affect:

(1) Any amounts authorized to be expended by the Health Licensing Office for the biennium beginning July 1, 2013, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the office; or

(2) Any expenditure classifications established by Acts authorizing or limiting expenditures by the Health Licensing Office.

#### **CONFORMING AMENDMENTS**

**SECTION 8.** ORS 345.440 is amended to read:

345.440. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to 345.450 to teach hair design, barbering, esthetics or nail technology shall be conducted by the [Oregon] Health Licensing [Agency] **Office**.

**SECTION 9.** ORS 345.450, as amended by section 38, chapter 104, Oregon Laws 2012, is amended to read:

345.450. (1) In addition to the fees required by ORS 345.080, before issuing any license under ORS 345.010 to 345.450 to a school teaching hair design, barbering, esthetics or nail technology, and annually thereafter, the Higher Education Coordinating Com-

mission shall collect a nonrefundable annual inspection fee of \$100.

(2) The inspection fee collected under subsection (1) of this section shall be transferred to the [Oregon] Health Licensing [Agency] **Office** for inspections performed by the **office** under ORS 345.440.

**SECTION 10.** ORS 670.304 is amended to read:

670.304. Except as otherwise specifically provided, ORS 670.300 to 670.380 apply to the following professional licensing and advisory boards:

- (1) Professional licensing and advisory boards established in the Office of the Secretary of State.
- (2) The Oregon Board of Maritime Pilots.
- (3) The Board of Cosmetology, in the [Oregon] Health Licensing [Agency] **Office**.
- (4) The State Board of Architect Examiners.
- (5) The State Landscape Contractors Board.
- (6) The State Board of Examiners for Engineering and Land Surveying.
- (7) The State Landscape Architect Board.
- (8) The State Board of Geologist Examiners.
- (9) The State Board of Tax Practitioners.
- (10) The Oregon Board of Accountancy.
- (11) The Construction Contractors Board.

**SECTION 11.** ORS 675.375 is amended to read:

675.375. (1) To obtain certification as a clinical sex offender therapist or associate sex offender therapist, an applicant must complete an application developed and prescribed by the Sex Offender Treatment Board and file a professional disclosure statement with the [Oregon] Health Licensing [Agency] **Office**. The documents must be accompanied by a fee established by the [agency] **office**.

(2) Subject to the provisions of ORS 676.612, the [agency] **office** may issue two types of certification to qualified applicants under this section:

- (a) Clinical sex offender therapist; and
- (b) Associate sex offender therapist.
- (3) To qualify as a certified clinical sex offender therapist, the applicant must:
  - (a) Be in compliance with applicable provisions and rules adopted by the [agency] **office**;
  - (b) Have at least a master's degree in the behavioral sciences;
  - (c) Have an active Oregon mental health professional license or equivalent license as determined by the [agency] **office**;
  - (d) Within not less than three years nor more than six years prior to application, have had a minimum of 2,000 hours of direct clinical contact with sex offenders, including:
    - (A) 1,000 hours of direct treatment services; and
    - (B) 500 hours of evaluations; and
  - (e) Have a minimum of 60 hours of formal training applicable to sex offender treatment and evaluation, achieved within the three years prior to application.
- (4) To qualify as a certified associate sex offender therapist, the applicant must:

(a) Be in compliance with applicable provisions and rules adopted by the [agency] **office**;

(b) Have at least a bachelor's degree in the behavioral sciences;

(c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

(d) Have a minimum of 30 hours of formal training applicable to sex offender treatment and evaluation, achieved within the three years prior to application; and

(e) Be under the direct supervision of a certified clinical sex offender therapist.

(5) Upon receipt of an application for renewal submitted by the applicant, the [agency] **office** may renew the certification of a clinical sex offender therapist or an associate sex offender therapist annually or as otherwise specified by [agency] **office** rule. The application for renewal shall be considered by the [agency] **office** to be an application to continue as a certified clinical sex offender therapist or a certified associate sex offender therapist. To renew a certification, the applicant must:

(a) Be in compliance with the provisions of ORS 675.360 to 675.410 and rules adopted by the [agency] **office**;

(b) Have a minimum of 100 hours of clinical experience during the preceding year, 50 of which shall be direct clinical contact with sex offenders;

(c) Have completed a minimum of 15 hours continuing education in the field of sex offender treatment during the preceding year; and

(d) Satisfy any additional requirements adopted by the board.

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

**SECTION 12.** ORS 675.380 is amended to read:

675.380. Upon receipt of an application and the appropriate fees under ORS 675.375, the [Oregon] Health Licensing [Agency] **Office** shall certify a clinical sex offender therapist or associate sex offender therapist if the applicant provides evidence to the satisfaction of the [agency] **office** that the applicant is recognized as a clinical sex offender therapist or associate sex offender therapist in another state in which the requirements for such recognition are, in the judgment of the [agency] **office**, in consultation with the Sex Offender Treatment Board, at least equivalent to the requirements of ORS 675.360 to 675.410 and rules of the [agency] **office**.

**SECTION 13.** ORS 675.385 is amended to read:

675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direction of the Sex Offender Treatment Board, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any certified sex offender therapist for any of the grounds listed in ORS 676.612 and for any violation of the

provisions of ORS 675.360 to 675.410, or the rules adopted thereunder.

(2) The [agency] **office** may impose disciplinary sanctions against a certified sex offender therapist for any of the following reasons:

(a) The person was convicted of violating ORS 675.390, or of a felony or misdemeanor that brings into question the person's competence or integrity as a certified sex offender therapist.

(b) The person's mental health professional license, or equivalent license, has been revoked, suspended or restricted by the issuing authority.

(c) The person has violated ORS 675.370 (3) to (5), or any rules adopted by the [agency] **office** pertaining to certification.

(d) The person has failed to file or has filed a false, misleading or incomplete professional disclosure statement with the [agency] **office**.

(e) The person has practiced beyond the scope of the person's [agency-issued] certification **under ORS 675.380**.

**SECTION 14.** ORS 675.395 is amended to read:

675.395. (1) The Sex Offender Treatment Board is established within the [Oregon] Health Licensing [Agency] **Office**. The board shall consist of seven members appointed by the Governor from lists of recommended persons submitted as provided in subsection (2) of this section. All members of the board must be residents of this state.

(2) Of the members appointed to the board:

(a) Two shall be from a list submitted by the Oregon Association for the Treatment of Sexual Abusers;

(b) Two shall be from a list submitted by the Oregon Adolescent Sex Offender Treatment Network;

(c) One shall be from a list submitted by the Oregon Association of Community Corrections Directors;

(d) One shall be from a list submitted by the Oregon Juvenile Department Directors Association; and

(e) One shall be from a list submitted by a victims' advocacy organization.

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

(4) Members of the board are eligible for compensation and expenses as provided in ORS 292.495.

(5) The board shall select one of its members to serve as chair and another to serve as vice chair, for those terms and with such duties and powers necessary for the performance of the functions of those offices as the board determines.

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

(7) The board shall meet at times and places specified by the call of the chair or of a majority of the members of the board. The board shall meet at least once each calendar year.

(8) A board member appointed under this section who is also a clinical sex offender therapist or associate sex offender therapist must satisfy all requirements for certification provided in ORS 675.375 and must obtain certification within 12 months of the member's appointment.

**SECTION 15.** ORS 675.400 is amended to read:

675.400. The Sex Offender Treatment Board shall:

(1) Determine the qualifications and fitness of applicants for certification as clinical sex offender therapists or associate sex offender therapists under ORS 675.360 to 675.380.

(2) Establish standards of practice and professional responsibility for persons certified by the [Oregon] Health Licensing [Agency] **Office**.

(3) Adopt standards for training and continuing education required under ORS 675.360 to 675.380, including but not limited to training related to the treatment of distinct sex offender populations, including adults, juveniles, persons with developmental disabilities and others.

(4) Advise the [agency] **office** on all matters related to administering ORS 675.360 to 675.410 and recommend rules, standards and guidelines necessary for the administration of ORS 675.360 to 675.380.

**SECTION 16.** ORS 675.405 is amended to read:

675.405. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and shall collect fees and charges related to certified sex offender therapists.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

(3) In addition to the fees and charges established under subsection (1) of this section, the [agency] **office** may assess fees and charges for providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering documents or records.

**SECTION 17.** ORS 675.410 is amended to read:

675.410. (1) The [Oregon] Health Licensing [Agency] **Office** shall:

(a) Issue certifications to persons determined by the [agency] **office** to be qualified.

(b) Make all disbursements necessary to carry out the provisions of ORS 675.360 to 675.410.

(c) Maintain a registry of all current certified sex offender therapists. The registry shall be made available to the public online.

(d) Keep a record of its proceedings related to the issuance, refusal, suspension and revocation of certifications issued under ORS 675.360 to 675.380.

(e) In consultation with the Sex Offender Treatment Board, create a multidisciplinary advisory committee within the board. Persons who are not board members may be appointed as nonvoting members to serve on the multidisciplinary advisory committee with the approval of the board.

(2) The [agency] **office** may:

(a) Deny, suspend, revoke or refuse to issue or renew any certification issued under ORS 675.360 to 675.380.

(b) Provide for waivers of examinations, grandfathering requirements and temporary certifications as considered appropriate.

(c) In consultation with the Sex Offender Treatment Board, create any committees within the board as deemed necessary. Persons who are not board members may be appointed as nonvoting members to serve on the committees with the approval of the board.

**SECTION 18.** ORS 676.165 is amended to read:

676.165. (1) When a health professional regulatory board or the [Oregon] Health Licensing [Agency] **Office** receives a complaint by any person against a licensee, applicant or other person alleged to be practicing in violation of law, the board or [agency] **office** shall assign one or more persons to act as investigator of the complaint.

(2) The investigator shall collect evidence and interview witnesses and shall make a report to the board or [agency] **office**. The investigator shall have all investigatory powers possessed by the board or [agency] **office**.

(3) The report to the board or [agency] **office** shall describe the evidence gathered, the results of witness interviews and any other information considered in preparing the report of the investigator. The investigator shall consider, and include in the report, any disciplinary history with the board or [agency] **office** of the licensee, applicant or other person alleged to be practicing in violation of law.

(4) The investigator shall make the report to the board or [agency] **office** not later than 120 days after the board or [agency] **office** receives the complaint. However, the board or [agency] **office** may extend the time for making the report by up to 30 days for just cause. The board or [agency] **office** may grant more than one extension of time.

(5) Investigatory information obtained by an investigator and the report issued by the investigator shall be exempt from public disclosure.

(6) When a health professional regulatory board reviews the investigatory information and report, the public members of the board must be actively involved.

**SECTION 19.** ORS 676.185 is amended to read: 676.185. As used in ORS 676.185 to 676.200:

(1) "Health profession licensing board" means:

(a) A health professional regulatory board as defined in ORS 676.160; or

(b) The [Oregon] Health Licensing [Agency] **Office** for a board, council or program listed in ORS 676.606.

(2) "Impaired professional" means a licensee who is unable to practice with professional skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability or by reason of a mental health disorder.

(3) "Licensee" means a health professional licensed or certified by or registered with a health profession licensing board.

**SECTION 20.** ORS 676.205 is amended to read:

676.205. (1) As used in this section:

(a) "Health professional regulatory board" means the agencies listed in ORS 676.160 and the [Oregon] Health Licensing [Agency] **Office** created in ORS 676.605.

(b) "License" means a license, registration, certification or other authorization to engage in a profession.

(2) A health professional regulatory board continues to have jurisdiction for licensing, regulatory and disciplinary purposes related to acts and omissions that occur while a person is licensed or required to be licensed, regardless of any changes in the licensing status of the person.

(3) A person who obtains, but is not required to obtain, a license to engage in a profession regulated by a health professional regulatory board, and whose license expires, lapses or is voluntarily surrendered while the person is under investigation by the board, or whose license is suspended or revoked, may not engage in that profession unless the person again obtains a license from the relevant health professional regulatory board to engage in the profession.

(4) Nothing in this section limits the jurisdictional, investigatory or other authority otherwise provided by law to a health professional regulatory board.

**SECTION 21.** ORS 676.303 is amended to read:

676.303. (1) As used in this section:

(a) "Health professional regulatory board" means the agencies listed in ORS 676.160 and the [Oregon] Health Licensing [Agency] **Office** created in ORS 676.605.

(b) "Impairment" means an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition.

(c) "License" means a license, registration, certification or other authorization to engage in a profession.

(d) "Licensee" means a person licensed, registered, certified or otherwise authorized by a health

professional regulatory board to engage in a profession.

(2) All health professional regulatory boards shall operate with the primary purposes of promoting the quality of health services provided, protecting the public health, safety and welfare by ensuring that licensees practice with professional skill and safety and addressing impairment among licensees.

(3) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, a health professional regulatory board may require the fingerprints of a licensee seeking renewal of a license, an applicant for a license, a board employee or volunteer or an applicant for employment with the board.

**SECTION 22.** ORS 676.405 is amended to read:

676.405. (1) As used in this section, "health professional regulatory board" means the agencies listed in ORS 676.160 and the [Oregon] Health Licensing [Agency] **Office** created in ORS 676.605.

(2) Notwithstanding ORS 192.410 to 192.505, a health professional regulatory board may, at its discretion, release or withhold the personal electronic mail address, home address and personal telephone number for a person licensed, registered or certified by the board. If the personal electronic mail address, home address or personal telephone number is requested for a public health or state health planning purpose, the board shall release the information.

**SECTION 23.** ORS 676.606 is amended to read:

676.606. Pursuant to ORS 676.607, the [Oregon] Health Licensing [Agency] **Office** shall provide administrative and regulatory oversight and centralized service for the following boards, advisory councils and programs:

(1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

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

(3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

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

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

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

(7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.415;

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

(9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;

(10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; and

(11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485.

**SECTION 24.** ORS 676.607 is amended to read:

676.607. (1) The [Oregon] Health Licensing [Agency] **Office** is responsible for the administration and regulatory oversight of the boards, councils and programs listed in ORS 676.606. The responsibilities of the [agency] **office** include, but are not limited to:

(a) Budgeting;

(b) Record keeping;

(c) Staffing;

(d) Contracting;

(e) Consumer protection and investigating complaints;

(f) Approving and collecting fees;

(g) Establishing and administering uniform application processes for the issuance of certificates, licenses, permits and registrations;

(h) Issuing and renewing certificates, licenses, permits and registrations;

(i) Conditioning, limiting, suspending, revoking or refusing to issue or renew a certificate, license, permit or registration or otherwise disciplining applicants, certificate holders, licensees, permit holders and registration holders;

(j) Sanctioning any examination service provider, interpreter or proctor who is under contract or agreement with the [agency] **office** and who compromises the security, confidentiality or integrity of examinations developed or conducted pursuant to the statutory authority of the boards and councils listed in ORS 676.606;

(k) Enforcing all administrative rules adopted under any statute the [agency] **office** is charged with enforcing, including board, council and program administrative rules establishing professional code of conduct and practice standards, continuing education requirements, the scope of professional practice and requirements for obtaining informed consent before providing certain services or performing any procedure on clients;

(L) Preparing, tracking and reporting [agency] **office** performance measures;

(m) Implementing regulatory streamlining initiatives to reduce regulatory burdens without compromising regulatory standards;

(n) Preparing and circulating printed and electronic materials for educating or otherwise assisting applicants, certificate holders, licensees, permit holders and registration holders and the public;

(o) Adopting rules for the issuance of waivers or provisional authorizations to practice, and establishing special conditions of practice, during a state of emergency declared by the Governor under ORS 401.165;

(p) Referring impaired practitioners to a diversion program approved or recognized by the [agency] **office** and establishing criteria by rule for monitoring the impaired practitioner's progress and successful completion of the program; and

(q) Establishing requirements for additional education, training or supervised experience to achieve compliance with the laws and rules governing professional practice.

(2) The enumeration of duties, functions and powers in subsection (1) of this section is not in-

tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the [agency] **office** by other statutes.

**SECTION 25.** ORS 676.608 is amended to read: 676.608. (1) As used in this section:

(a) "Holder" means a person who holds a certificate, license, permit or registration to practice issued by the [Oregon] Health Licensing [Agency] **Office**.

(b) "Public entity" has the meaning given that term in ORS 676.177.

(2)(a) The [agency] **office** shall carry out all investigatory duties.

(b) Upon its own motion, the [agency] **office** may initiate and conduct investigations of matters relating to the practice of occupations or professions subject to the authority of the boards, councils and programs listed in ORS 676.606.

(c) When the [agency] **office** receives a complaint by any person against a holder, the [agency] **office** shall investigate the complaint as provided in ORS 676.165.

(3) While conducting an investigation authorized under subsection (2) of this section or a hearing related to an investigation, the [agency] **office** may:

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

(4) In exercising its authority under this section, the [agency] **office** may issue subpoenas over the signature of the Director of the [Oregon] Health Licensing [Agency] **Office** or designated employee [thereof] **of the director** and in the name of the State of Oregon.

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

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

(7) In all investigations and hearings, the [agency] **office** and any person affected thereby may have the benefit of counsel.

(8) If a holder who is the subject of a complaint or an investigation is to appear before the [agency, the agency] **office, the office** shall provide the holder with a current summary of the complaint or the matter being investigated not less than 10 days before the date that the holder is to appear. At the time the summary of the complaint or the matter being investigated is provided, the [agency] **office** shall provide the holder with a current summary of documents or alleged facts that the [agency] **office** has acquired as a result of the investigation. The name of the complainant may be withheld from the holder.

(9) A holder who is the subject of an investigation, and any person acting on behalf of the holder, may not contact the complainant until the holder has requested a contested case hearing and the [agency] **office** has authorized the taking of the complainant's deposition pursuant to ORS 183.425.

(10) Except in an investigation or proceeding conducted by the [agency] **office** or another public entity, or in an action, suit or proceeding in which a public entity is a party, a holder may not be questioned or examined regarding any communication with the [agency] **office** made in an appearance before the [agency] **office** as part of an investigation.

(11) This section does not prohibit examination or questioning of a holder regarding records about the holder's care and treatment of a patient or affect the admissibility of those records.

**SECTION 26.** ORS 676.609 is amended to read: 676.609. (1) If the [Oregon] Health Licensing [Agency] **Office** intends to disclose a record pursuant to ORS 676.608, the [agency] **office** shall:

(a) Send a notice of the intended disclosure to the person who is the subject of a complaint or an investigation by first class mail at least 14 days before the disclosure date; and

(b) Describe in the notice the type of record being disclosed in sufficient detail to allow the person who is the subject of a complaint or an investigation to understand the contents of the record that the [agency] **office** intends to disclose.

(2) The [agency] **office** shall disclose information obtained as part of an investigation of a person charged if another person requesting the information demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including but not limited to the public interest in nondisclosure.

**SECTION 27.** ORS 676.612 is amended to read: 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, 678.780, 680.535, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111, the [Oregon] Health Licensing [Agency] **Office** may refuse to issue or renew, may suspend or revoke or may otherwise condition or limit a certificate, li-

cense, permit or registration to practice issued by the [agency] **office** or may discipline or place on probation a holder of a certificate, license, permit or registration for commission of the prohibited acts listed in subsection (2) of this section.

(2) A person subject to the authority of a board, council or program listed in ORS 676.606 commits a prohibited act if the person engages in:

(a) Fraud, misrepresentation, concealment of material facts or deception in applying for or obtaining an authorization to practice in this state, or in any written or oral communication to the [agency] **office** concerning the issuance or retention of the authorization.

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

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

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

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

(f) Practicing with a physical or mental condition that presents an unreasonable risk of harm to the holder of a certificate, license, permit or registration or to the person or property of others in the course of performing the holder's duties.

(g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing substances, or engaging in the illegal use of controlled substances or other skill-impairing substances so as to create a risk of harm to the person or property of others in the course of performing the duties of a holder of a certificate, license, permit or registration.

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

(i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered person to practice a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.606.

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

(k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence of the conviction. A plea of no contest or an admission of guilt shall be

considered a conviction for purposes of this paragraph.

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

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

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

(o) Failing to cooperate with the [agency] **office** in any investigation, inspection or request for information.

(p) Selling or fraudulently obtaining or furnishing any certificate, license, permit or registration to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.606, or aiding or abetting such an act.

(q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.606, or aiding or abetting such an act.

(r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of any order issued by the [agency] **office** that has become final.

(3) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the [agency] **office** may require the fingerprints of a person who is:

(a) Applying for a certificate, license, permit or registration that is issued by the [agency] **office**;

(b) Applying for renewal of a certificate, license, permit or registration that is issued by the [agency] **office**; or

(c) Under investigation by the [agency] **office**.

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

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

**SECTION 28.** ORS 676.613 is amended to read:



676.613. (1) In addition to all other remedies, when it appears to the [Oregon] Health Licensing [Agency] **Office** that a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that violates any provision of ORS 675.360 to 675.410, 676.617, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to 691.485 or 694.015 to 694.185 or ORS chapter 700, the [agency] **office** may, through the Attorney General or the district attorney of the county in which the act, practice or transaction occurs or will occur, apply to the court for an injunction restraining the person from the act, practice or transaction.

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

**SECTION 29.** ORS 676.615 is amended to read:

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

(2) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules necessary for the administration of ORS 676.605 to 676.625 and 676.992.

(3) The [agency] **office** may adopt rules establishing requirements for placement of a certificate, license, permit or registration issued by the [agency] **office** in a dormant status upon application by the holder and establishing conditions for reactivation of the certificate, license, permit or registration.

(4) Pursuant to ORS 676.605 and 676.607, the [agency] **office** may adopt rules to recognize specialties within a regulated field of practice subject to the authority of the boards, councils or programs listed in ORS 676.606 and may establish requirements for education, experience, examinations and supervision as necessary to ensure public safety and competency within the specialty.

**SECTION 30.** ORS 676.617 is amended to read:

676.617. (1) As used in this section, "single facility license" means a license to provide services in a single location in more than one of the following fields of practice:

(a) Barbering, esthetics, hair design or nail technology, as provided in ORS 690.005 to 690.235; and

(b) Electrolysis, tattooing, body piercing, dermal implanting or scarification as provided in ORS 690.350 to 690.415.

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

(a) Owns the facility to be licensed;

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

(c) Has paid all required fees, as determined by the [agency] **office**; and

(d) Has filed an application in the form and manner required by the [agency] **office**.

(3)(a) A single facility license expires annually, unless otherwise specified by rule adopted by the [agency] **office**, on a date determined by the [agency] **office**.

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

(c) The [agency] **office** may impose a delinquency fee or require a new application for the failure to renew a single facility license prior to the date on which it expires.

(4) The [agency] **office** shall establish by rule and collect fees associated with single facility licenses. Fees shall be established for:

(a) Application;

(b) Original license;

(c) License renewal;

(d) Delinquent renewal;

(e) Replacement license; and

(f) Compiling, photocopying, preparing and delivering copies of documents and records.

(5) All moneys received by the [agency] **office** under this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

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

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

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

(7) The [agency] **office** may suspend, condition, limit, revoke or refuse to issue or renew a single facility license, or may place on probation or otherwise discipline a single facility license holder, for the reasons specified in ORS 676.612, 690.167 or 690.407 or for failure to comply with subsection (6) of this section.

**SECTION 31.** ORS 676.618 is amended to read:

676.618. (1) Upon its own motion or upon any complaint, the [Oregon] Health Licensing [Agency] **Office** may conduct an inspection to determine whether a facility or a part of the facility that is the subject of the inspection complies with the licensing, safety, infection control and sterilization require-

ments imposed by statute or rule of the [agency] **office** or the boards, councils and programs administered by the [agency] **office**.

(2) The [agency] **office** shall provide for the periodic inspection of facilities, business premises or other locations where services are performed by the practitioners of the occupations or professions subject to the authority of the boards, councils and programs that are administered and regulated by the [agency] **office** pursuant to ORS 676.606.

**SECTION 32.** ORS 676.622 is amended to read:

676.622. (1) A transaction conducted through a state or local system or network that provides electronic access to the [Oregon] Health Licensing [Agency] **Office** information and services is exempt from any requirement under ORS 675.360 to 675.410, 676.605 to 676.625, 676.992, 680.500 to 680.565, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185 and ORS chapter 700, and rules adopted thereunder, requiring an original signature or the submission of handwritten materials.

(2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable and have the same force as original signatures.

**SECTION 33.** ORS 676.992 is amended to read:

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

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.235 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.415 (tattooing, electrolysis, body piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.185 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 676.617 (single facility licensure);
- (j) ORS 675.360 to 675.410 (sex offender treatment);
- (k) ORS 678.710 to 678.820 (nursing home administrators);
- (L) ORS 691.405 to 691.485 (dietitians); and
- (m) ORS 676.612 (prohibited acts).

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

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty pursuant to this section, the [agency] **office** shall consider the following factors:

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

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

**SECTION 34.** ORS 678.710 is amended to read:

678.710. As used in ORS 678.710 to 678.820, unless the context requires otherwise:

(1) "Dual facility" means a facility that operates both a hospital and a long term care facility on the same campus.

(2) "Nursing home" means any institution or facility defined as a long term care facility for licensing purposes under state statute or the rules of the Department of Human Services, including a long term care facility operated as part of a dual facility.

(3) "Nursing home administrator" means an individual responsible for planning, organizing and managing the operation of a nursing home, whether or not such individual has an ownership interest in such home and whether or not such functions are shared by one or more other individuals, if:

(a) Final responsibility and authority are retained in the nursing home administrator; and

(b) In the case of a dual facility, the nursing home administrator may be subject to the authority of the administrator of the dual facility or the dual facility administrator may administer the nursing home if the administrator is licensed or otherwise qualified by statute to administer a nursing home.

(4) "Provisional license" means a temporary license issued to a provisional nursing home administrator under the rules of the [Oregon] Health Licensing [Agency] **Office**.

**SECTION 35.** ORS 678.725 is amended to read:

678.725. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any health care

facility licensed under ORS 441.015, any licensee licensed by the [Oregon] Health Licensing [Agency] **Office**, any physician licensed by the Oregon Medical Board, any licensed professional nurse and any licensed pharmacist shall report to the [agency] **office** suspected violations of ORS 678.710 to 678.820 and unsanitary or other unsatisfactory conditions in a nursing home.

(b) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee licensed under ORS 678.710 to 678.820 who has reasonable cause to believe that a licensee of any board as defined in ORS 676.150 has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

(c) Any person may report to the [agency] **office** suspected violations of ORS 678.710 to 678.820 or unsanitary conditions in a nursing home.

(2) Information acquired by the [agency] **office** pursuant to subsection (1) of this section is confidential and is not subject to public disclosure.

(3) Any person who reports or provides information to the [agency] **office** under subsection (1) of this section and who provides information in good faith may not be subject to an action for civil damages as a result of making the report or providing the information.

**SECTION 36.** ORS 678.740 is amended to read:

678.740. (1) Examinations for licensure as a nursing home administrator shall be conducted at such times and places as the Nursing Home Administrators Board designates, but not less than once a year. The fee for examination or reexamination shall be determined by the [Oregon] Health Licensing [Agency] **Office** under ORS 678.775.

(2) The board shall, consistent with the purposes for which the examination is given, determine the subjects, scope, content and the minimum passing grade for examinations.

**SECTION 37.** ORS 678.760 is amended to read:

678.760. (1) Subject to ORS 676.612 and subsection (2) of this section, the [Oregon] Health Licensing [Agency] **Office** shall:

(a) Issue a license as a nursing home administrator to a qualified applicant upon satisfactory evidence of meeting the requirements of ORS 678.730 and other qualifications adopted by the Nursing Home Administrators Board by rule.

(b) Renew a license as a nursing home administrator if, by a date specified by the [agency] **office** by rule, the license holder submits to the [agency] **office** a completed renewal application, required renewal fees and satisfactory evidence of completion of any required continuing education credits.

(2) For up to one year from the date of a denial, suspension, revocation or expiration of a nursing home administrator license, the [agency] **office** may refuse to grant or renew the license of a nursing home administrator whose license has expired or been denied, suspended or revoked.

(3)(a) Except as provided by paragraph (b) of this subsection, a nursing home administrator license expires on the last day of the month, one year from the date of issuance.

(b) The [agency] **office** may adopt by rule an expiration date that is different than the date provided by paragraph (a) of this subsection if the license holder is provided written notice of the different renewal date and the renewal fee is prorated.

(4) The [agency] **office** may adopt rules for the reactivation of an expired license, including additional requirements for a license that has been expired for three years or more.

(5) The [agency] **office** may establish requirements for the issuance of a temporary provisional license. The fee for a provisional license is established by rules of the [agency] **office** under ORS 678.775.

**SECTION 38.** ORS 678.770 is amended to read:

678.770. (1) The Nursing Home Administrators Board may establish by rule standards for the issuance of a license by endorsement, without examination, to an applicant who:

(a) Meets the requirements as established by the board; and

(b) On the date of making application, is a nursing home administrator licensed under the laws of any other state or territory of the United States if the requirements for licensing of nursing home administrators in the state or territory in which the applicant is licensed are not less than those required by ORS 678.710 to 678.820.

(2) Each applicant under this section shall pay to the [Oregon] Health Licensing [Agency] **Office** at the time of filing the application a fee determined by the [agency] **office** under ORS 678.775.

**SECTION 39.** ORS 678.775 is amended to read:

678.775. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following under ORS 678.710 to 678.820:

- (a) Application;
- (b) Examination or reexamination;
- (c) Original license;
- (d) License renewal;
- (e) Provisional or temporary license;
- (f) Licensure by reciprocity or endorsement;
- (g) License reactivation;
- (h) Issuance of a replacement license;
- (i) Delinquency fee;
- (j) License verification; and

(k) Costs of providing copies of official documents or records and for recovering administrative costs associated with compiling, copying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be [paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as] **deposited in the Health**

**Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

**SECTION 40.** ORS 678.780 is amended to read:

678.780. (1) In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline as specified in ORS 676.612 against any person practicing as a nursing home administrator for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 678.710 to 678.820, or the rules adopted under ORS 678.710 to 678.820.

(2) In addition to any discipline that may be imposed as provided by subsection (1) of this section, the [agency] **office** may impose disciplinary sanctions against a person practicing as a nursing home administrator for any of the following causes:

(a) Violation of or noncompliance with any applicable provisions of ORS 678.710 to 678.820 or of any rule or order of the [agency] **office**;

(b) Any continuous or substantial violation of the rules adopted under ORS 441.025; or

(c) Discipline imposed by any other licensing body in this or any other state based on conduct that would be grounds for discipline under this section or rules adopted by the [agency] **office**.

**SECTION 41.** ORS 678.790 is amended to read:

678.790. (1) When the [Oregon] Health Licensing [Agency] **Office** proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license under ORS 678.710 to 678.820, opportunity for hearing shall be accorded as provided in ORS chapter 183.

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

(3) If the final order of the court on review reverses the [agency's] **office's** order of suspension, revocation or refusal to renew, the [agency] **office** shall issue the license and reinstate the appellant not later than the 30th day after the decision of the court.

**SECTION 42.** ORS 678.800 is amended to read:

678.800. (1) The Nursing Home Administrators Board is established within the [Oregon] Health Licensing [Agency] **Office**.

(2) The board consists of nine members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be concerned with the care and treatment of the chronically ill or infirm elderly patients and must be residents of this state. Of the members of the board:

(a) Three must be nursing home administrators licensed under ORS 678.710 to 678.820;

(b) One must be a medical doctor licensed by the Oregon Medical Board actively engaged in private practice and conversant with the care and treatment of the long-term patient;

(c) One must be a licensed professional nurse actively engaged in caring for chronically ill and infirm patients and licensed by the Oregon State Board of Nursing;

(d) One must be a pharmacist licensed by the State Board of Pharmacy; and

(e) Three must be members of the public who are not:

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

(B) A spouse, domestic partner, child, parent or sibling of a nursing home administrator.

(3)(a) Board members required to be nursing home administrators may be selected by the Governor from a list of three to five nominees submitted by any professional organization representing nursing home administrators.

(b) Except for those persons described in paragraph (a) of this subsection, no member of the board may have a direct financial interest in a nursing home.

(c) No more than two of the members of the board may be officials or full-time employees of state or local governments.

(d) At least one public member must be at least 62 years of age.

(e) No public members of the board may hold any pecuniary interest in, or have any employment contract with, a long term care facility.

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

(A) Geographic areas of this state; and

(B) Ethnic group.

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

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

(A) Is not a resident of this state;

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

(C) Is not a licensed nursing home administrator or a retired nursing home administrator whose license as a nursing home administrator was in good standing at the time of retirement, if the member was appointed to serve on the board as a nursing home administrator.

(5) The members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

**SECTION 43.** ORS 678.820 is amended to read:

678.820. (1) The Nursing Home Administrators Board is responsible for advising the [Oregon] Health Licensing [Agency] **Office** in all matters relating to the administration of ORS 678.710 to 678.820, including:

(a) Developing standards for education and training;

(b) Developing standards of practice and professional conduct;

(c) Establishing standards related to the issuance, denial, revocation, suspension or renewal of licenses to practice as a nursing home administrator;

(d) Preparing or approving the examinations required under ORS 678.710 to 678.820, in accordance with standards provided by the [agency] **office**; and

(e) Assisting the [agency] **office** in administering the provisions of ORS 678.710 to 678.820.

(2) The [Oregon Health Licensing Agency] **office** shall administer ORS 678.710 to 678.820 by:

(a) Determining the qualifications and fitness of applicants for licenses, renewed licenses, reciprocal licenses and provisional licenses under ORS 678.710 to 678.820.

(b) Examining, approving, issuing, denying, revoking, suspending and renewing licenses to practice as a nursing home administrator.

(c) Providing for waivers of examinations or provisional licenses.

(d) Establishing and carrying out procedures to ensure compliance with professional standards adopted by the board.

(e) Pursuant to ORS 676.608, receiving and investigating complaints filed regarding nursing home administrators.

(f) Establishing and collecting fees and charges to carry out the [agency's] **office's** duties under ORS 678.710 to 678.820.

(g) In accordance with ORS 183.330 and 676.615, adopting, amending and repealing rules that are necessary to carry out the administration of ORS 678.710 to 678.820.

(h) Maintaining a register of all licensed nursing home administrators.

(3) The [agency] **office** shall consider and be guided by the recommendations of the board in all matters relating to the administration of ORS 678.710 to 678.820.

**SECTION 44.** ORS 680.515, as amended by section 9, chapter 43, Oregon Laws 2012, 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] **Office** shall issue a license to practice denture technology to an applicant who:

(a) Provides to the [agency] **office** official transcripts verifying completion of an associate degree program in denture technology, or the equivalent in formal, post-secondary education, approved by the [agency] **office** in consultation with the Oregon Stu-

dent Access Commission and the Department of Education.

(b) Provides to the [agency] **office** 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] **office** in consultation with the commission and the department.

(c) 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 board, to qualify for reexamination.

(d) Meets other requirements established by the [agency] **office** 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.

(3) Notwithstanding subsection (1)(a) of this section, the board may accept educational training obtained in any other state or country if, upon review of satisfactory evidence, the [agency] **office** 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] **office** with documentation of military training or experience that the [agency] **office** determines is substantially equivalent to the training or experience required by subsection (1)(a) or (b) of this section.

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

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

**SECTION 45.** ORS 680.520, as amended by section 10, chapter 43, Oregon Laws 2012, 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 (2) and any additional subjects required by the [Oregon] Health Licensing [Agency] **Office** by rule that are based on changes in industry technology, health care delivery systems, client safety or scientific infection control techniques.

**SECTION 46.** ORS 680.525 is amended to read:

680.525. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to denture technologists:

- (a) Application;
- (b) Examinations;
- (c) Original license;
- (d) License renewal;
- (e) License reactivation;
- (f) Replacement or duplicate license;
- (g) Delinquent renewal;
- (h) Reciprocity; and
- (i) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated for the purposes** authorized by ORS 676.625.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated for the purposes** authorized by ORS 676.625.

**SECTION 47.** ORS 680.527 is amended to read:

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

- (1) Submits an application and pays the fees required under ORS 680.525;
- (2) Has satisfied the educational requirements established by ORS 680.515;
- (3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada or a territory of the United States, and the standards for licensing of denturists in the licensing jurisdiction are determined by the [agency] **office** to be substantially equivalent to those of ORS 680.500 to 680.565;
- (4) Has passed a written and practical examination that the [agency] **office** determines to be substantially equivalent to the examination required for licensure in this state; and
- (5) Has engaged in the full-time active practice of denture technology as a licensed denturist in another jurisdiction for a minimum of two years immediately preceding the date of application for licensure under this section.

**SECTION 48.** ORS 680.530 is amended to read:

680.530. (1) Except as provided in subsection (2) of this section, licenses to practice denture technology issued by the [Oregon] Health Licensing [Agency] **Office** expire one year from the date of is-

suance and must be renewed on or before the expiration date by payment of the required renewal fee and submission of satisfactory evidence of completion of continuing education courses as specified by rule.

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

(3) The [agency] **office** 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.

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

**SECTION 49.** ORS 680.535 is amended to read:

680.535. In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any person practicing denture technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 680.500 to 680.565, or the rules adopted thereunder.

**SECTION 50.** ORS 680.550 is amended to read:

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

**SECTION 51.** ORS 680.556 is amended to read:

680.556. (1) There is established, within the [Oregon] Health Licensing [Agency] **Office**, the State Board of Denture Technology. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

- (a) Four must be active licensed denturists;
- (b) One must be an Oregon licensed dentist in active practice; and
- (c) Two must be members of the public who do not possess the professional qualifications of other members and who are not a spouse, domestic partner, child, parent or sibling of an active licensed denturist or dentist.

(2)(a) Board members required to be denturists may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing denturists.

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

- (A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment.

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

(A) Is not a resident of this state;

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

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

(D) Is not a licensed dentist or a retired dentist whose license to practice dentistry was in good standing at the time of retirement, if the board member was appointed to serve on the board as a dentist.

(4) Members are entitled to compensation and expenses as provided in ORS 292.495. The [agency] office may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

**SECTION 52.** ORS 680.565 is amended to read: 680.565. (1) The [Oregon] Health Licensing [Agency] Office has such authority as is reasonably necessary to administer ORS 680.500 to 680.565 and 680.990 (2), including the authority to adopt rules pursuant to ORS chapter 183.

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

(3) When the [agency] office is satisfied that the applicant for licensure under ORS 680.500 to 680.565 has complied with all the requirements, it shall issue to such applicant an appropriate license under ORS 680.500 to 680.565.

**SECTION 53.** ORS 687.420 is amended to read: 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifications for the licensure of direct entry midwives. Such standards shall include:

(a) Sufficient knowledge in the following areas:

(A) Techniques in taking patient histories;

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

(C) Appropriate use of diagnostic testing;

(D) Necessity for referral;

(E) Pathology in childbirth;

(F) Mechanisms of labor;

(G) Aseptic techniques;

(H) Postpartum care;

(I) Examinations of newborn infants; and

(J) Family planning;

(b) Successful passage of written and oral examinations;

(c) Participation in:

(A) 25 assisted deliveries;

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

(C) 100 prenatal care visits;

(D) 25 newborn examinations; and

(E) 40 postnatal examinations;

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

(e) A written plan for emergency transport.

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

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

**SECTION 54.** ORS 687.425 is amended to read: 687.425. (1) Except as provided in subsection (2) of this section, a license issued by the [Oregon] Health Licensing [Agency] Office for a direct entry midwife expires after one year. The [agency] office shall renew a license upon receipt of the renewal application and fee and proof of current cardiopulmonary resuscitation certification for infants and adults. The applicant must be in compliance with the rules adopted by the State Board of Direct Entry Midwifery and the [agency] office.

(2) The [agency] office shall establish a procedure for the renewal of licenses. The [agency] office may vary the renewal date of a license by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

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

(4) The [agency] office 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.

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

(6) The [agency] office may mail a notice of renewal to the last-known address of the license holder.

**SECTION 55.** ORS 687.430 is amended to read:

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

**SECTION 56.** ORS 687.435 is amended to read:

687.435. (1) The [Oregon] Health Licensing [Agency] Office shall establish by rule and collect fees and charges for the following related to direct entry midwives:

- (a) Application;
- (b) Original license;
- (c) License renewal;
- (d) Examinations;
- (e) Delinquent renewal;
- (f) Replacement or duplicate license;
- (g) Reciprocity;
- (h) License reactivation; and

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

(2) All moneys received by the [agency] office under this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

**SECTION 57.** ORS 687.445 is amended to read:

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

**SECTION 58.** ORS 687.470 is amended to read:

687.470. (1) There is established within the [Oregon] Health Licensing [Agency] Office the State Board of Direct Entry Midwifery. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Four must be licensed direct entry midwives.

(b) One must be a certified nurse midwife.

(c) One must be a physician licensed under ORS chapter 677 involved at the time of appointment in obstetrical care or education.

(d) One must be a member of the public.

(2)(a) Board members required to be licensed direct entry midwives may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing direct entry midwives.

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

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least three years must elapse before the person is again eligible for appointment to serve on the board.

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

(A) Is not a resident of this state;

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

(C) Is not a licensed direct entry midwife or a retired direct entry midwife who was a licensed direct entry midwife in good standing at the time of retirement, if the board member was appointed to serve on the board as a direct entry midwife.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The [agency] office may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

**SECTION 59.** ORS 687.482 is amended to read:

687.482. (1) Peer review of a licensed direct entry midwife conducted under ORS 687.480 is subject to the provisions of ORS 41.675. Charts and records created during or for the purpose of the practice of direct entry midwifery are not data under ORS 41.675.



(2) Peer review that is conducted outside of the [Oregon] Health Licensing [Agency] **Office** may not be used to replace [agency] **office** regulatory investigations of complaints against licensed direct entry midwives.

**SECTION 60.** ORS 687.485 is amended to read:

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

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

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

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

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

**SECTION 61.** ORS 687.490 is amended to read:

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

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

**SECTION 62.** ORS 688.705 is amended to read:

688.705. (1) There is established within the [Oregon] Health Licensing [Agency] **Office** the Board of Athletic Trainers, consisting of five members appointed by the Governor. In making appointments to the board, the Governor shall take into consideration nominations received from professional organizations of athletic trainers that are based in Oregon.

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

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

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

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

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

(3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A

member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

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

**SECTION 63.** ORS 688.707 is amended to read:

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

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

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

**SECTION 64.** ORS 688.709 is amended to read:

688.709. The Board of Athletic Trainers shall:

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

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

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

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

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

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

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

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

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

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

**SECTION 65.** ORS 688.715 is amended to read:

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

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

(2) Issue registrations, including temporary registrations, permits, waivers and other authorizations

to practice athletic training as determined by the Board of Athletic Trainers.

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

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

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

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

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

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

(9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out duties of the board granted under ORS 688.701 to 688.734.

**SECTION 66.** ORS 688.724 is amended to read:

688.724. (1) Except as provided in subsection (5) of this section, an athletic trainer registration expires on the last day of the month, one year from the date of issuance.

(2) The filing of a registration renewal form is the responsibility of the registrant. The registrant must submit to the [Oregon] Health Licensing [Agency] **Office** a completed renewal application, required renewal fee and satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the registration as specified by [agency] **office** rule.

(3) The [agency] **office** shall adopt by rule requirements for late renewal of a registration, reactivation of an expired registration or reinstatement of

a registration that has been expired for more than three consecutive years.

(4) If the registration of an athletic trainer has been denied, suspended or revoked for commission of a prohibited act under ORS 676.612, the [agency] **office** may refuse to issue or renew the registration for up to one year from the date of denial, suspension or revocation.

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

**SECTION 67.** ORS 688.728 is amended to read:

688.728. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to athletic trainers:

- (a) Application;
- (b) Original registration;
- (c) Registration renewal;
- (d) Temporary practice registration;
- (e) Examinations;
- (f) Registration reactivation;
- (g) Delinquent renewal;
- (h) Replacement or duplicate registration;
- (i) Reciprocity; and
- (j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be [paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as] **deposited in the Health Licensing Office Account and are continuously appropriated to the agency for the purposes** authorized by ORS 676.625.

**SECTION 68.** ORS 688.734 is amended to read:

688.734. In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Athletic Trainers, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any person practicing athletic training for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 688.701 to 688.734 or the rules adopted thereunder.

**SECTION 69.** ORS 688.815, as amended by section 20, chapter 43, Oregon Laws 2012, 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] **Office** 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] office 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.

(3) The [agency] office 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] office 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.

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

(5) To renew a license to practice respiratory care, a licensee must submit to the [agency] office 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] office rule.

(6) The [agency] office 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.

(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] office may refuse to issue or renew the license for up to one year from the date of denial, suspension or revocation.

(8) The [agency] office 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 70.** ORS 688.819, as amended by section 21, chapter 43, Oregon Laws 2012, is amended to read:

688.819. (1) An applicant for a polysomnographic technologist license shall:

(a) Submit to the [Oregon] Health Licensing [Agency] Office 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] office 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.

(3) The [agency] office 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] office to be equivalent to those required in this state; or

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

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

(5) To renew a polysomnographic technologist license, a licensee must submit to the [agency] office 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] office rule.

(6) The [agency] office 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.

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

(8) The [agency] office 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.

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

**SECTION 71.** ORS 688.820 is amended to read:

688.820. (1) There is established within the [Oregon] Health Licensing [Agency] Office the Respiratory Therapist and Polysomnographic Technologist Licensing Board. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state.

(2) Of the members of the board:

(a) Three must be respiratory care practitioners;  
 (b) Two must be individuals who practice polysomnography;

(c) One must be a qualified medical director for polysomnography or for respiratory care; and

(d) One must be a member of the general public.

(3) Board members required to be respiratory care practitioners or individuals who practice polysomnography must have engaged in the practice of respiratory care or polysomnography for a period of five or more years immediately preceding appointment to the board.

(4)(a) Board members may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by the Oregon Society for Respiratory Care or another professional organization representing respiratory care practitioners or polysomnographic technologists.

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

(A) Geographic areas of this state; and

(B) Ethnic group.

(5)(a) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than two terms end each year. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

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

(A) Is not a resident of this state;

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

(C) Is not a respiratory care practitioner or a retired respiratory care practitioner whose license was in good standing at the time of retirement, if the member was appointed to serve as a respiratory care practitioner; or

(D) Is not an individual who practices polysomnography, if the member was appointed to serve as an individual who practices polysomnography.

(6) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. The [agency] office may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

**SECTION 72.** ORS 688.830 is amended to read: 688.830. (1) The [Oregon] Health Licensing [Agency] Office shall:

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

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

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

(d) Maintain a public record of persons licensed by the [agency] office to practice respiratory care and polysomnography.

(2) The Respiratory Therapist and Polysomnographic Technologist Licensing Board shall:

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

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

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

**SECTION 73.** ORS 688.834 is amended to read: 688.834. (1) The [Oregon] Health Licensing [Agency] Office shall establish by rule and collect fees and charges for the following related to respiratory care practitioners and polysomnographic technologists:

(a) Application;

(b) Examinations;

(c) Original license;

(d) License renewal;

(e) License reactivation;

(f) Replacement or duplicate license;

(g) Delinquent renewal;

(h) Reciprocity; and

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

(2) All moneys received by the [agency] office under subsection (1) of this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes authorized by ORS 676.625.**

**SECTION 74.** ORS 688.836 is amended to read: 688.836. In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] Office may impose a form of discipline specified in ORS 676.612 against any person practicing respiratory care or polysomnography for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 688.800 to 688.840, or the rules adopted thereunder.

**SECTION 75.** ORS 688.840 is amended to read: 688.840. The Respiratory Therapist and Polysomnographic Technologist Licensing Board and its members and the [Oregon] Health Licensing [Agency] Office and its employees and contractors

are immune from any civil liability arising from good faith actions taken pursuant to ORS 688.800 to 688.840.

**SECTION 76.** ORS 690.005 is amended to read: 690.005. As used in ORS 690.005 to 690.235:

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

(a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.

(b) Applying hair tonics, dressings and rinses.

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

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

(2) "Board" means the Board of Cosmetology, created within the [Oregon] Health Licensing [Agency] **Office**.

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

(4) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.

(5) "Demonstration permit" means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.

(6) "Esthetics" means any of the following skin care practices performed on the human body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) The use of the hands or mechanical or electrical apparatuses or appliances for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

(b) Temporary removal of hair.

(c) Makeup artistry.

(d) Facial and body wrapping.

(e) Facial and body waxing.

(7) "Facility" means an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(8) "Field of practice" means the following cosmetology disciplines:

(a) Barbering.

(b) Esthetics.

(c) Hair design.

(d) Nail technology.

(9) "Freelance authorization" means a written authorization that allows a practitioner to practice outside or away from a licensed facility.

(10) "Hair design" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

(b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, conditioning, applying hair products or similar work upon the hair of an individual.

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

(11) "Independent contractor" means a practitioner who qualifies as an independent contractor under ORS 670.600 and who is not under the control and direction of a facility license holder.

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

(13) "Nail technology" means any of the following manicuring or pedicuring practices performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

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

(b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs below the knee.

(c) Applying, sculpturing or removing artificial nails of the hands or feet.

(14) "Practitioner" means a person certified to perform services included within a field of practice.

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

(16) "School" means an educational establishment that has a license issued by the Department of Education and is operated for the purpose of teaching one or more fields of practice.

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

**SECTION 77.** ORS 690.015 is amended to read:

690.015. (1) This section establishes prohibitions relating to the practice of hair design, barbering, esthetics and nail technology. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who commits an act prohibited under this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by or any civil penalty imposed by the [Oregon] Health Licensing [Agency] **Office** under ORS 676.612.

(2) A person may not:

(a) Perform or attempt to perform services in a field of practice without a certificate, demonstration permit, registration or freelance authorization.

(b) Operate a facility without a license or temporary facility permit.

(c) Perform or attempt to perform services in a field of practice in a facility that does not have a license or temporary facility permit.

(d) Practice hair design, barbering, esthetics or nail technology as an independent contractor without a registration.

(e) Display a sign or in any way advertise or purport to offer services in a field of practice without first obtaining a permit, certificate, independent contractor registration or facility license.

(f) Knowingly make a false statement on an application to obtain or renew a certificate, registration, license or permit or to obtain a freelance authorization.

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

(h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, license, permit or freelance authorization.

(i) Purchase or procure by barter a document evidencing a certificate with intent to use it as evidence of the person's qualification as a practitioner.

(j) Materially alter with fraudulent intent a document evidencing a certificate, registration, license, permit or freelance authorization.

(k) Use or attempt to use as valid a fraudulently obtained, counterfeited or materially altered document evidencing a certificate, registration, license, permit or freelance authorization.

**SECTION 78.** ORS 690.025 is amended to read:

690.025. ORS 690.005 to 690.235 do not apply to:

(1) Persons who perform service without compensation in case of emergency or in domestic administration.

(2) Persons licensed by a health professional regulatory board listed in ORS 676.160 who are acting within the scope of their professional license.

(3) Persons identified by the [Oregon] Health Licensing [Agency] Office or Board of Cosmetology by rule who are acting under the authority of a hospital or long term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415.

(4) Persons engaged in rendering emergency medical assistance as defined in ORS 30.800.

(5) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

(6) Commissioned medical and surgical officers and personnel of the United States Armed Services while operating on a military base and personnel of correctional institutions while operating on the premises of a correctional facility.

(7) Persons applying temporary makeup, combing hair or applying hair spray, without compensation specifically for the application or combing, for the sole purpose of preparing any individual for a professional photograph or theatrical performance.

(8) A student while engaged in training at the direction of and under the direct supervision of the

faculty of a school licensed under ORS 345.010 to 345.450 to teach a field of practice.

(9) The [agency] office may exempt practitioners providing services at charitable or fund raising events. In establishing an exemption, the [agency] office shall consider and evaluate each written request on an individual basis.

**SECTION 79.** ORS 690.035 is amended to read:

690.035. A person desiring to obtain a certificate or demonstration permit shall apply in writing to the [Oregon] Health Licensing [Agency] Office on a form approved by the [agency] office. Each application shall contain an affirmation by the applicant that the information contained therein is accurate. The application must also include evidence establishing to the satisfaction of the [agency] office that the applicant possesses the necessary qualifications.

**SECTION 80.** ORS 690.047, as amended by section 24, chapter 43, Oregon Laws 2012, 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] Office may issue a specialty certificate in a field of practice to a practitioner who has:

(a) Completed post-graduate education approved by the [agency] office 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] office rule.

**SECTION 81.** ORS 690.048 is amended to read:

690.048. (1) The [Oregon] Health Licensing [Agency] Office shall issue a certificate to each applicant who qualifies under ORS 690.046 or 690.047. The certificate is prima facie evidence of the right of the holder to practice in a field of practice for which the holder has qualified and purports to be a practitioner.

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

(3) A practitioner's certificate shall indicate any specialty certification, obtained under ORS 690.047,

for which the practitioner is qualified to provide advanced services in a field of practice. Advanced services shall be defined by rules adopted by the [agency] **office**.

**SECTION 82.** ORS 690.055 is amended to read: 690.055. (1) To be issued a license to operate a facility, each applicant shall:

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

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

(c) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.

(d) Pay the required fees.

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

(2) To be issued a temporary facility permit, each applicant must:

(a) Operate the facility on a temporary basis for a period not to exceed 30 consecutive calendar days and in accordance with rules of the board.

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

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

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

(e) Comply with the applicable health and safety laws and rules of the Oregon Health Authority and any other state agencies.

(f) Pay the appropriate application and permit fees.

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

(3) The [agency] **office** may issue a single facility license to an applicant pursuant to ORS 676.617.

(4) A license issued under this section shall confer on a facility owner the right to operate the facility and to advertise the services for which the facility is licensed.

**SECTION 83.** ORS 690.085 is amended to read:

690.085. (1) Except as provided in subsection (3) of this section, a certificate issued by the [Oregon] Health Licensing [Agency] **Office** expires on the last day of the month, two years from the date of issuance. A certificate may be renewed prior to the expiration date by payment of the required renewal fee and compliance with other requirements as established by the Board of Cosmetology.

(2) Except as provided in subsection (3) of this section, a registration and a license issued by the [agency] **office** expires on the last day of the month, one year from the date of issuance. A registration or license may be renewed prior to the expiration date by payment of the required renewal fee and

compliance with other requirements as established by the board.

(3) The [agency] **office** may vary the date of certificate, registration and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(4) The [agency] **office** shall adopt by rule requirements for late renewal and reactivation of an expired certificate, license or registration.

(5) A certificate that has not been renewed for a period of three years after date of expiration may be reinstated if the applicant:

(a) Submits an application for certification;

(b) Satisfactorily passes the examination as specified by board rule;

(c) Submits payment of required fees; and

(d) Meets other requirements as determined by board rule.

**SECTION 84.** ORS 690.105 is amended to read:

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

(2) The permit shall specify:

(a) The purpose for which it is granted.

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

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

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

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

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

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

(d) Pays the required application and permit fees.

**SECTION 85.** ORS 690.123 is amended to read:

690.123. (1) The [Oregon] Health Licensing [Agency] **Office** may issue a practitioner a freelance authorization to practice outside of or away from a licensed facility.

(2) The Board of Cosmetology shall determine requirements and the [agency] **office** shall establish fees for issuance of a freelance authorization.

(3) Practitioners performing services outside of a licensed facility under the provisions of a freelance authorization shall comply with the safety and infection control requirements under ORS 690.165 and 690.205 and rules adopted by the [agency] **office** under those statutes.

**SECTION 86.** ORS 690.155 is amended to read:  
690.155. (1) There is established within the [Oregon] Health Licensing [Agency] **Office** the Board of Cosmetology consisting of seven members appointed by the Governor. At all times the membership of the board shall be so constituted that:

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

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

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

(3) The Director of the [Oregon] Health Licensing [Agency] **Office**, or a designated representative, shall serve as an ex officio member of the board but without the right to vote.

**SECTION 87.** ORS 690.165 is amended to read:  
690.165. In addition to the powers otherwise granted by ORS 345.430 and 690.005 to 690.235, the Board of Cosmetology shall have the power to:

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

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

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

(4) Pursuant to ORS 676.607, direct the [Oregon] Health Licensing [Agency] **Office** to issue certificates, registrations, licenses, permits and freelance authorizations to individuals determined by the board to be qualified.

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

(6) Pursuant to ORS 676.612 and 690.167, direct the [agency] **office** to suspend, revoke, limit or refuse to issue or renew certificates, registrations, licenses or permits or impose a period of probationary activity on the holder thereof.

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

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

(9) Consult with the [agency] **office** about the issuance and renewal of a single facility license un-

der ORS 676.617 authorizing a facility to provide barbering, esthetics, hair design or nail technology services.

**SECTION 88.** ORS 690.167 is amended to read:  
690.167. In the manner prescribed in ORS chapter 183 for contested cases and at the direction of the Board of Cosmetology, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any person practicing barbering, hair design, esthetics or nail technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 690.005 to 690.235, or the rules adopted thereunder.

**SECTION 89.** ORS 690.195 is amended to read:  
690.195. (1) The [Oregon] Health Licensing [Agency] **Office** shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates, registrations, licenses and permits and to the imposition of probation. This record shall also contain the name, place of business and the date of each certificate, registration, license and permit issued by the [agency] **office**.

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

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

**SECTION 90.** ORS 690.225 is amended to read:  
690.225. (1) In addition to any other duties prescribed by law, the [Oregon] Health Licensing [Agency] **Office** shall provide for the inspection of facilities and schools licensed to teach practitioner skills under ORS 345.010 to 345.450.

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

**SECTION 91.** ORS 690.225, as amended by section 45, chapter 104, Oregon Laws 2012, is amended to read:

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

(2) Inspections conducted under this section shall determine whether the facilities comply with the health, safety, infection control and licensing rules of the Board of Cosmetology and whether the schools comply with the health, safety and infection control requirements under ORS 345.010 to 345.450



and rules of the [agency] **office**. A report of the results of the inspection shall be submitted to the Higher Education Coordinating Commission.

**SECTION 92.** ORS 690.235 is amended to read: 690.235. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to barbering, esthetics, hair design and nail technology:

- (a) Application.
- (b) Original certificate.
- (c) Certificate renewal.
- (d) Examination.
- (e) Demonstration permit.
- (f) Original license.
- (g) License renewal.
- (h) Temporary facility permit.
- (i) Original registration.
- (j) Registration renewal.
- (k) Replacement or duplicate certificate, license or permit.
- (L) Delinquent renewal.
- (m) Reciprocity.
- (n) Freelance authorization.
- (o) Reactivation.
- (p) Providing copies of official documentation or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

**SECTION 93.** ORS 690.365 is amended to read: 690.365. (1)(a) The [Oregon] Health Licensing [Agency] **Office** shall issue a license to perform services in a field of practice to an applicant who:

- (A) Shows to the satisfaction of the [agency] **office** that the applicant:
  - (i) Is at least 18 years of age;
  - (ii) Has a high school diploma or equivalent education; and
  - (iii) Has submitted evidence of completion of education and training prescribed and approved by the [agency] **office**;

(B) Has passed an examination approved, administered or recognized by the [agency] **office**; and

(C) Pays fees established by the [agency] **office**.

(b) The [agency] **office** may issue a temporary license to perform services in a field of practice as prescribed by [agency] **office** rule.

(2)(a) The [Oregon Health Licensing Agency] **office** shall issue a license to operate a facility to a person who:

(A) Files an application in the form and manner prescribed by the [agency] **office**;

(B) Pays fees established by the [agency] **office**; and

(C) Complies with other requirements established by the [agency] **office** by rule.

(b) The [agency] **office** shall conduct periodic inspections of facilities to determine compliance with safety, infection control and sterilization requirements.

(c) A person holding a license to operate a facility must post the license in a conspicuous place at all times on the premises of the facility.

(d) The [agency] **office** may issue a temporary license to operate a facility in accordance with rules adopted by the [agency] **office**.

**SECTION 94.** ORS 690.370 is amended to read: 690.370. The [Oregon] Health Licensing [Agency] **Office** shall offer an examination for applicants for licenses to perform services in each field of practice at least twice a year. An applicant who fails any part of the examination may retake the failed section in accordance with rules adopted by the [agency] **office**.

**SECTION 95.** ORS 690.380 is amended to read: 690.380. (1) A person who holds a license under ORS 690.350 to 690.415 shall notify the [Oregon] Health Licensing [Agency] **Office** in writing of the regular address of the place or places where the person performs or intends to perform services in a field of practice and shall keep the license conspicuously posted in the place of business at all times.

(2) The [agency] **office** shall keep a record of the place or places of business of each person who holds a license.

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

**SECTION 96.** ORS 690.385 is amended to read: 690.385. (1) Except as provided in subsections (2) and (4) of this section, a license issued under ORS 690.365 expires one year from the date of issuance. To renew the license, the licensee must submit to the [Oregon] Health Licensing [Agency] **Office**:

- (a) A completed renewal application;
- (b) The required renewal fee; and
- (c) Satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the license as specified by [agency] **office** rule.

(2) The [agency] **office** 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.

(3) The [agency] **office** 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.

(4) A temporary license issued under ORS 690.365 expires as established by the [agency] office by rule. A temporary license may not be renewed.

**SECTION 97.** ORS 690.390 is amended to read: 690.390. The [Oregon] Health Licensing [Agency] Office shall establish standards for practitioners in a field of practice. The standards must require:

(1) That instruments used in a field of practice be sterilized in accordance with methods approved by the rules of the [agency] office;

(2) A practitioner working in a field of practice to be equipped with appropriate sterilizing equipment, hot and cold running water and a covered waste receptacle; and

(3) A practitioner working in a field of practice to keep case history cards for each client.

**SECTION 98.** ORS 690.401 is amended to read: 690.401. (1) There is established within the [Oregon] Health Licensing [Agency] Office the Board of Body Art Practitioners, to advise the [agency] office with regard to the regulation of fields of practice. The board consists of seven members appointed by the Governor.

(2) Members of the board must be residents of this state. Of the members of the board:

(a) Two members must be licensed under ORS 690.365 to perform body piercing, dermal implanting or scarification;

(b) One member must be licensed under ORS 690.365 to practice electrolysis;

(c) Two members must be licensed under ORS 690.365 to perform tattooing;

(d) One member must be licensed under ORS chapter 677, 678 or 685; and

(e) One member must be a member of the public who does not possess the professional qualifications of the other members.

(3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. The Governor shall fill vacancies by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is eligible for appointment to serve on the board.

(4) The board shall meet at least once per year.

(5) Members of the board are entitled to compensation and reimbursement of expenses as provided in ORS 292.495.

**SECTION 99.** ORS 690.405 is amended to read: 690.405. (1) The [Oregon] Health Licensing [Agency] Office shall:

(a) Determine the qualifications, training, education and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

(b) Adopt rules as necessary to administer ORS 690.350 to 690.415;

(c) Issue, deny, revoke, suspend and renew licenses;

(d) Maintain a public record of persons holding licenses;

(e) Establish standards of practice and professional responsibility for persons licensed by the [agency] office to perform services in a field of practice;

(f) Select licensing examinations;

(g) Establish continuing education requirements for renewal of a license;

(h) Provide for waivers of examinations as appropriate;

(i) Appoint representatives to conduct or supervise examinations of applicants for licensure;

(j) Inspect the facilities of persons who perform services in one or more fields of practice; and

(k) Issue temporary licenses to qualified applicants in accordance with rules adopted by the [agency] office.

(2) Before the [agency] office adopts rules regulating body piercing of genitals or dermal implanting, the [agency] office shall consult with the Oregon Medical Board to ensure that the rules protect public safety.

(3) The [agency] office may consult with the Oregon Medical Board before adopting rules relating to other body art practices.

**SECTION 100.** ORS 690.407 is amended to read: 690.407. In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] Office may impose a form of discipline listed in ORS 676.612 against any person performing services in a field of practice for any of the grounds listed in ORS 676.612, and for any violation of the provisions of ORS 690.350 to 690.415, or the rules adopted thereunder.

**SECTION 101.** ORS 690.410 is amended to read: 690.410. (1) The [Oregon] Health Licensing [Agency] Office, in accordance with ORS chapter 183 and in consultation with the Board of Body Art Practitioners, shall adopt by rule minimum standards of education and training requirements for each field of practice.

(2) The [agency] office shall approve courses in each field of practice. To obtain approval of a course, the provider of a course must submit an outline of instruction to the [agency] office and the Department of Education. The outline must include the approved courses, total hours of instruction, hours of lectures in theory and the hours of instruction in application of practical skills.

(3) Schools teaching a field of practice must comply with the safety and infection control rules adopted by the [agency] office and are subject to inspection at the discretion of the [agency] office.

**SECTION 102.** ORS 690.415 is amended to read: 690.415. (1) The [Oregon] Health Licensing [Agency] Office shall establish by rule and collect

fees and charges for the following related to fields of practice:

- (a) Application.
- (b) Examination.
- (c) Reciprocity.
- (d) Original license.
- (e) License renewal.
- (f) Delinquent renewal of license.
- (g) Replacement or duplicate license.
- (h) Temporary license.
- (i) Verification of licensure.
- (j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.
- (k) Education or training provided by the [agency] office.

(2) All moneys received by the [agency] office under this section shall be *paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as* deposited in the **Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

**SECTION 103.** ORS 691.435 is amended to read: 691.435. The [Oregon] Health Licensing [Agency] Office, in consultation with the Board of Licensed Dietitians, shall issue a dietitian license to an applicant who:

- (1) Files an application as prescribed by the [agency] office;
- (2) Pays fees established by the [agency] office; and
- (3) Demonstrates to the satisfaction of the [agency] office that the applicant has:
  - (a) Received a baccalaureate or post-baccalaureate degree from a regionally accredited college or university in the United States with a major course of study in human nutrition, dietetics, foods and nutrition or food systems management approved by the board as meeting the standards for approval of the course of study under ORS 691.405 to 691.485;
  - (b) Completed a planned, continuous program of dietetic experience approved by the [agency] office of 900 hours under the supervision of a licensed dietitian; and
  - (c) Passed an examination prescribed by the [agency] office.

**SECTION 104.** ORS 691.445 is amended to read: 691.445. The [Oregon] Health Licensing [Agency] Office, in consultation with the Board of Licensed Dietitians, may waive the examination requirement and grant a dietitian license to an applicant who:

- (1) Files an application as prescribed by the [agency] office;
- (2) Pays fees established by the [agency] office; and
- (3) Presents satisfactory evidence of:

(a) Current registration as a dietitian with a credentialing body approved by the board; or

(b) Current licensure under the laws of any other state or territory in the United States, if the requirements for licensure of dietitians in the state or territory in which the applicant is licensed are not less than those required by ORS 691.405 to 691.485.

**SECTION 105.** ORS 691.465 is amended to read: 691.465. (1) Except as provided in subsections (2) and (3) of this section, a license issued under ORS 691.405 to 691.485 expires one year from the date of issuance. To renew the license, the licensee must submit to the [Oregon] Health Licensing [Agency] Office:

- (a) A completed renewal application;
- (b) The required renewal fee; and
- (c) Satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the license as specified by [agency] office rule.

(2) The [agency] office 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.

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

**SECTION 106.** ORS 691.475 is amended to read: 691.475. The [Oregon] Health Licensing [Agency] Office, in consultation with the Board of Licensed Dietitians, shall:

- (1) Adopt rules necessary for the administration of ORS 691.405 to 691.485;
- (2) Issue, deny, revoke, suspend and renew dietitian licenses;
- (3) Determine the qualifications, training, education and fitness of applicants for licenses, renewals of licenses and reciprocal licenses for dietitians;
- (4) Determine requirements for reciprocity and equivalency for licensed dietetics practice;
- (5) Establish a code of professional responsibility and standards of practice for licensed dietitians;
- (6) Develop, approve or recognize examinations to test an applicant's knowledge relating to dietitian techniques and methods and any other subjects the board may determine to be necessary to assess an applicant's fitness to practice as a licensed dietitian;
- (7) Provide for waivers of examinations; and
- (8) Establish continuing education requirements for renewal of a dietitian license.

**SECTION 107.** ORS 691.477 is amended to read: 691.477. In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Licensed Dietitians, the [Oregon] Health Licensing [Agency] Office may impose a form of discipline listed in ORS 676.612 against any person practicing dietetics for any of the grounds listed

in ORS 676.612 and for any violation of the provisions of ORS 691.405 to 691.485, or the rules adopted under ORS 691.405 to 691.485.

**SECTION 108.** ORS 691.479 is amended to read: 691.479. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to licensed dietitians:

- (a) Application;
- (b) Original license;
- (c) License renewal;
- (d) Temporary practice registration;
- (e) Examinations;
- (f) License reactivation;
- (g) Late renewal;
- (h) Replacement or duplicate license;
- (i) Reciprocity; and
- (j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the documents or records.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be [paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account] **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes authorized by ORS 676.625.**

**SECTION 109.** ORS 691.485 is amended to read: 691.485. (1) There is established, within the [Oregon] Health Licensing [Agency] **Office**, the Board of Licensed Dietitians to advise the [agency] **office** with regard to the regulation of dietitians. The board consists of seven members appointed by the Governor. All members of the board must be residents of this state. Of the members of the board:

(a) Two must be members of the general public who are not otherwise qualified for membership on the board and who are not a spouse, domestic partner, child, parent or sibling of a licensed dietitian;

(b) One must be a physician trained in clinical nutrition; and

(c) Four must be licensed dietitians who have been engaged in the practice of dietetics for at least five years.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board. If there is a vacancy on the board for any reason, the Governor shall make an appointment to become immediately effective for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor.

(3) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The [agency] **office** may provide by rule for compensation to board members for the performance of offi-

cial duties at a rate that is greater than the rate provided in ORS 292.495.

(4) The board shall meet at least once per year.

**SECTION 110.** ORS 694.015 is amended to read: 694.015. As used in ORS 694.015 to 694.185, unless the context requires otherwise:

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

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

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

**SECTION 111.** ORS 694.025 is amended to read: 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way advertise or represent that the person deals in hearing aids unless the person holds a valid license issued by the [Oregon] Health Licensing [Agency] **Office** as provided in ORS 694.015 to 694.185.

(2) Notwithstanding subsection (1) of this section, ORS 694.015 to 694.185 do not apply to:

(a) An audiologist licensed under ORS chapter 681.

(b) A physician licensed under ORS chapter 677.

**SECTION 112.** ORS 694.036 is amended to read: 694.036. (1) Prior to consummation of the sale of a hearing aid, a person dealing in hearing aids shall deliver to the prospective purchaser a written statement, signed by the person dealing in hearing aids. The statement shall be on a form prescribed by the [Oregon] Health Licensing [Agency] **Office** that shall include but not be limited to all of the following:

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

(b) The date of the sale.

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

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

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

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

(g) The terms of any guarantee or expressed warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids, including that provided in ORS 646A.460 to 646A.476 and 694.042.

(h) The address of the [agency] office and the procedure for making a complaint under ORS 694.015 to 694.185.

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

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It is desirable that a person seeking help with a hearing problem (especially for the first time) consult an ear doctor and obtain a clinical hearing evaluation. Although hearing aids are often recommended for hearing problems, another form of treatment may be necessary.

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

(2) A duplicate copy of the statement required under subsection (1) of this section shall be kept for seven years by the person selling the hearing aid. The statement shall be made available to the [agency] office upon request.

**SECTION 113.** ORS 694.042 is amended to read:

694.042. (1) In addition to any other rights and remedies the purchaser may have, including rights under ORS 646A.460 to 646A.476, the purchaser of a hearing aid shall have the right to rescind the transaction if:

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

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

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

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

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

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

(b) Returning the product with a written notice of the intent to rescind to an authorized representative of the company from which it was purchased.

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

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

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

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

**SECTION 114.** ORS 694.055 is amended to read:

694.055. An applicant for licensure under this chapter shall pay a fee established by the [Oregon] Health Licensing [Agency] Office under ORS 694.185 and shall show to the satisfaction of the [agency] office that the applicant:

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

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

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

**SECTION 115.** ORS 694.065 is amended to read:

694.065. (1) Before an applicant may take the qualifying examination for licensure under ORS 694.015 to 694.185, the applicant must:

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

(b) Meet the training requirements for licensure as an audiologist or for certification of a licensed physician by the American Board of Otolaryngology; or

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

(2) An individual seeking to obtain the experience and training specified in subsection (1)(a) of this section necessary to take the examination shall obtain a trainee registration from the [agency] office pursuant to rules adopted by the [agency] office. A trainee registration issued pursuant to this subsection shall allow the holder of the registration to obtain training and experience only under the direct

supervision of a hearing aid specialist licensed in the State of Oregon.

(3) Examination of applicants for licensure under ORS 694.015 to 694.185 shall be held at least once each quarter at such times and places as the [agency] office may determine.

(4) Timely and appropriate notice of the time and place of the examination shall be given to each applicant and to each licensed hearing aid specialist supervising a temporary hearing aid specialist pursuant to rules adopted by the [agency] office.

(5) The [agency] office, in consultation with the Advisory Council on Hearing Aids, shall adopt rules establishing standards for examination scope, format, minimum acceptable performance and reexamination qualifications. The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice as a hearing aid specialist. The examination may be in the form of written, oral or practical demonstration of skills, or a combination of any such types.

**SECTION 116.** ORS 694.085 is amended to read:

694.085. (1) Subject to ORS 676.612, the [agency] Health Licensing Office shall grant a hearing aid specialist license to each applicant, without discrimination, who possesses the required training and experience and who satisfactorily passes the examination and pays the required fees. The license is effective for one year following issuance.

(2) The [agency] office shall waive the examination required under subsection (1) of this section and grant a license to an applicant who:

(a) Is certified by the Educational Service Board of the American Speech-Language-Hearing Association or, if not so certified, satisfies the [agency] office that the applicant possesses equivalent training and education achievements; and

(b) Passes an examination related to Oregon law in the area of hearing aid dispensing and pays the required fees.

**SECTION 117.** ORS 694.115 is amended to read:

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

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

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

**SECTION 118.** ORS 694.125 is amended to read:

694.125. (1) Except as provided in subsection (5) of this section, a hearing aid specialist license issued under ORS 694.015 to 694.185 expires one year following the date of issuance. A license may be renewed on or before the expiration date by payment of the required renewal fee and submission of satis-

factory evidence of completion of continuing education courses as specified by rule of the [Oregon] Health Licensing [Agency] Office.

(2) The [agency] office 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.

(3) A license must be conspicuously posted in public view in the [office or] place of business of the hearing aid specialist at all times.

(4) The [agency] office shall require proof of completion of continuing education as a condition of license renewal as determined by rule.

(5) The [agency] office 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 119.** ORS 694.142 is amended to read:

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

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

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

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

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

(d) Acute or chronic dizziness;

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

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

(g) Any other condition that the [agency] office may establish by rule.

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

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

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

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

(c) An audiologist licensed by the State of Oregon for an evaluation of the person's hearing and for

a recommendation of corrective measures that may be required if the person is also examined by a properly licensed medical physician who gives approval for possible hearing aid use.

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

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

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

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

(d) A person may not sell a hearing aid by direct mail. For purposes of this paragraph, delivery by mail of a replacement hearing aid or parts does not constitute sale by direct mail.

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

**SECTION 120.** ORS 694.147 is amended to read: 694.147. (1) In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any person dealing in hearing aids for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 694.015 to 694.185, or the rules adopted thereunder.

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

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

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

(c) Failing to adhere to practice standards established by ORS 694.142 or rules adopted by the [agency] **office**.

**SECTION 121.** ORS 694.155 is amended to read: 694.155. The powers and duties of the [Oregon] Health Licensing [Agency] **Office** with regard to dealing in hearing aids are as follows:

(1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to 694.185.

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

(3) To license persons who apply to the [agency] **office** and who have qualified to deal in hearing aids.

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

(5) To issue and renew licenses.

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

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

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

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

(10) With the advice of the Advisory Council on Hearing Aids, to prescribe safety and sanitation requirements, to require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids.

(11) To appoint or employ subordinate employees.

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

**SECTION 122.** ORS 694.165 is amended to read: 694.165. (1) There is established within the [Oregon] Health Licensing [Agency] **Office** the Advisory Council on Hearing Aids. The council shall consist of seven members to be appointed by the Governor.

(2) Members of the council must be residents of this state. A member of the council may not be a member or employee of the [agency] **office**.

(3) Membership on the council shall consist of:

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

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

(c) Four members who are experienced in the fitting of hearing aids and possess the qualifications provided in ORS 694.055; and

(d) One member who is a consumer of hearing aids and does not possess the professional qualifications of the other members.

(4) The term of office of each member of the council is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the council.

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

**SECTION 123.** ORS 694.170 is amended to read:

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

(2) The [agency] **office** shall consider and be guided by the recommendations of the council in all matters relating to ORS 694.015 to 694.185.

**SECTION 124.** ORS 694.185 is amended to read:

694.185. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to dealing in hearing aids:

- (a) Application;
- (b) Examinations;
- (c) Original hearing aid specialist license;
- (d) License renewal;
- (e) License reactivation;
- (f) Replacement or duplicate license;
- (g) Delinquent renewal;
- (h) Permits;
- (i) Reciprocity; and
- (j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under ORS 694.015 to 694.185 shall be *[paid into the*

*General Fund in the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as] deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes authorized by ORS 676.625.*

**SECTION 125.** ORS 700.010 is amended to read: 700.010. As used in this chapter, unless the context requires otherwise:

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

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

(3) "Environmental health specialist" means a person who by education, training and experience in the sanitary, biological and physical sciences is qualified to perform duties in environmental sanitation, including but not limited to scientific investigation and education and counseling in environmental sanitation.

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

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

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

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

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

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

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

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

**SECTION 126.** ORS 700.030 is amended to read:



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

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

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

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

**SECTION 127.** ORS 700.035 is amended to read:

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

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

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

(2) A person may not be registered as an environmental health specialist trainee for more than two years' full-time employment in the environmental sanitation profession, or the equivalent hours

if employment in environmental sanitation is less than full-time or 40 hours per week.

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

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

**SECTION 128.** ORS 700.050 is amended to read:

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

(2) The [agency] office shall notify each applicant whether the applicant passed or failed the examination.

(3) Upon written request to the [agency] office, any applicant may discuss performance on the examination.

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

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

**SECTION 129.** ORS 700.052 is amended to read:

700.052. The [Oregon] Health Licensing [Agency] Office shall issue a registration without written examination to an applicant who pays the required fees and furnishes documentation, as determined by the [agency] office by rule, showing satisfactory evidence that the applicant meets the education requirements of this chapter, and at the time of application is registered as an environmental health specialist or waste water specialist by a national association that is recognized by the Environmental Health Registration Board or is registered by the regulatory body of another state. The registration requirements of the other state or the national association, including the written examination, must be substantially equivalent to registration requirements in this state.

**SECTION 130.** ORS 700.053 is amended to read:

700.053. (1) An applicant for registration as a waste water specialist shall submit an application to

the [Oregon] Health Licensing [Agency] **Office** in the manner required by the Environmental Health Registration Board. The application shall be on a form approved by the [agency] **office**, include proof satisfactory to the board that the applicant meets the education and experience requirements under subsection (3) of this section and include payment of required fees.

(2) The [agency] **office** shall issue a registration as a waste water specialist to an applicant whose application complies with subsection (1) of this section and who successfully completes the examination required under subsection (5) of this section and passes the examination required under subsection (6) of this section.

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

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

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

(c) A graduate degree in soil science from an accredited college or university and to currently be certified as a professional soil scientist.

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

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

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

**SECTION 131.** ORS 700.059 is amended to read: 700.059. (1) Examinations for registration as a waste water specialist shall be held at least once every year at such time and place as the [Oregon] Health Licensing [Agency] **Office** may determine.

The Environmental Health Registration Board shall determine the content of the examination, utilizing such advisory committees as the board deems necessary.

(2) The [agency] **office** shall notify each applicant whether the applicant passed or failed the examination.

(3) Upon written request to the board, any applicant may discuss performance on the examination.

(4) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time upon payment of required fees. However, any applicant who fails the examination a second time must obtain special permission from the board to take the examination a third or subsequent time.

(5) The [agency] **office** shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination.

**SECTION 132.** ORS 700.062 is amended to read: 700.062. (1) Subject to ORS 676.612, upon application and payment of required fees established by the [Oregon] Health Licensing [Agency] **Office**, the [agency] **office** shall issue registration as a waste water specialist trainee to any applicant who furnishes evidence satisfactory to the [agency] **office** that the applicant:

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

(b) Has a graduate degree in soil science from an accredited college or university.

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

**SECTION 133.** ORS 700.080 is amended to read: 700.080. (1) The [Oregon] Health Licensing [Agency] **Office** shall establish by rule and collect fees and charges for the following related to environmental and waste water specialists:

(a) Application.

(b) Examination.

(c) Trainee registration.

(d) Original registration.

(e) Registration renewal.

(f) Reciprocity.

(g) Delinquent renewal.

(h) Replacement or duplicate certificate of registration.

(i) Reactivation of registration.

(j) Providing copies of official documents or records and for recovering administrative costs associ-

ated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the [agency] **office** under subsection (1) of this section shall be [paid into the General Fund in the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as] **deposited in the Health Licensing Office Account and are continuously appropriated to the office for the purposes** authorized by ORS 676.625.

**SECTION 134.** ORS 700.100 is amended to read:

700.100. (1) Except as provided in subsection (2) of this section, registrations issued under this chapter expire one year from the date of issuance. The registrant is responsible for filing a registration renewal application form. The registrant must submit to the [Oregon] Health Licensing [Agency] **Office** a completed renewal application, required renewal fee and satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the registration as specified by [agency] **office** rule. The registrant must be in compliance with all other requirements for renewal.

(2) The [agency] **office** may vary the renewal date of a registration by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

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

**SECTION 135.** ORS 700.105 is amended to read:

700.105. The [Oregon] Health Licensing [Agency] **Office**, in consultation with the Environmental Health Registration Board, may adopt rules establishing continuing education requirements that an applicant must meet to obtain renewal of a registration.

**SECTION 136.** ORS 700.111 is amended to read:

700.111. In the manner prescribed in ORS chapter 183 for contested cases, the [Oregon] Health Licensing [Agency] **Office** may impose a form of discipline listed in ORS 676.612 against any person practicing as an environmental health specialist, an environmental health specialist trainee, a waste water specialist or a waste water specialist trainee for any of the grounds listed in ORS 676.612, and for any violation of the provisions of this chapter or the rules adopted thereunder.

**SECTION 137.** ORS 700.210 is amended to read:

700.210. There is established within the [Oregon] Health Licensing [Agency] **Office** the Environmental Health Registration Board to consist of seven members to be appointed by the Governor.

**SECTION 138.** ORS 700.240 is amended to read:

700.240. (1) The [Oregon] Health Licensing [Agency] **Office**, in consultation with the Environ-

mental Health Registration Board, has such authority as is reasonably necessary to administer this chapter, including the authority to adopt rules pursuant to ORS chapter 183.

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

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

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

**REPEAL**

**SECTION 139.** ORS 676.620 is repealed.

**AGENCY NAME CHANGE**

**SECTION 140.** (1) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Oregon Health Licensing Agency," wherever they occur in statutory law, words designating the "Health Licensing Office."

(2) Whenever, in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Oregon Health Licensing Agency, the reference is considered to be a reference to the Health Licensing Office.

**ACCOUNT NAME CHANGE**

**SECTION 141.** For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Oregon Health Licensing Agency Account," wherever they occur in statutory law, words designating the "Health Licensing Office Account."

**OPERATIVE DATE**

**SECTION 142.** (1) Sections 3, 5, 7, 140 and 141 of this 2013 Act, the amendments to statutes by sections 1, 2, 4, 6 and 8 to 138 of this 2013 Act and the repeal of ORS 676.620 by section 139 of this 2013 Act become operative on July 1, 2014.

(2) The Health Licensing Office and Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office or the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers

conferred on the office and the authority by sections 3, 5, 7, 140 and 141 of this 2013 Act, the amendments to statutes by sections 1, 2, 4, 6 and 8 to 138 of this 2013 Act and the repeal of ORS 676.620 by section 139 of this 2013 Act.

#### UNIT CAPTIONS

**SECTION 143.** The unit captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

#### CONFLICT AMENDMENTS

**SECTION 144.** If House Bill 2101 becomes law, sections 16 (amending ORS 675.405), 30 (amending ORS 676.617), 37 (amending ORS 678.760), 39 (amending ORS 678.775), 46 (amending ORS 680.525), 48 (amending ORS 680.530), 56 (amending ORS 687.435), 66 (amending ORS 688.724), 67 (amending ORS 688.728), 73 (amending ORS 688.834), 83 (amending ORS 690.085), 92 (amending ORS 690.235), 102 (amending ORS 690.415), 108 (amending ORS 691.479), 118 (amending ORS 694.125), 124 (amending ORS 694.185), 133 (amending ORS 700.080), 134 (amending ORS 700.100) and 135 (amending ORS 700.105) of this 2013 Act are repealed.

**SECTION 145.** If House Bill 2101 becomes law, section 114 of this 2013 Act (amending ORS 694.055) is repealed and ORS 694.055, as amended

by section 53, chapter 314, Oregon Laws 2013 (Enrolled House Bill 2101), is amended to read:

694.055. An applicant for licensure under this chapter shall pay the applicable fees established under section 4, chapter 314, Oregon Laws 2013 (Enrolled House Bill 2101), [of this 2013 Act] and shall demonstrate to the satisfaction of the [agency] Health Licensing Office that the applicant:

- (1) Is a person 18 years of age or older.
- (2) Has graduated from high school or has been awarded a General Educational Development (GED) certificate.
- (3) Has completed the training and has the experience required under ORS 694.065.

**SECTION 146.** If House Bill 2101 becomes law, section 142 of this 2013 Act is amended to read:

**Sec. 142.** (1) Sections 3, 5, 7, 140 and 141 of this 2013 Act, the amendments to statutes by sections 1, 2, 4, 6, [and] 8 to 138 and 145 of this 2013 Act and the repeal of ORS 676.620 by section 139 of this 2013 Act become operative on July 1, 2014.

(2) The Health Licensing Office and Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office or the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the office and the authority by sections 3, 5, 7, 140 and 141 of this 2013 Act, the amendments to statutes by sections 1, 2, 4, 6, [and] 8 to 138 and 145 of this 2013 Act and the repeal of ORS 676.620 by section 139 of this 2013 Act.

Approved by the Governor July 1, 2013  
 Filed in the office of Secretary of State July 1, 2013  
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