



# Oregon

John A. Kitzhaber, MD, Governor

## *Health Licensing Agency*

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**WHO:** Oregon Health Licensing Agency  
Environmental Health Registration Board

**WHEN:** February 4, 2011 – 10 am

**WHERE:** Oregon Health Licensing Agency  
Rhoades Conference Room  
700 Summer St NE, Suite 320  
Salem, Oregon

### **What is the purpose of the Meeting?**

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/EHS/meetings.shtml> for current meeting information.

### **Is the public or licensees allowed to attend the Meeting?**

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Persons wishing to comment may indicate the topic they wish to discuss on the attendance roster. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

### **What if the board/council enters into executive session?**

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

### **Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency  
Environmental Health Registration Board



10 am, Friday, February 4, 2011  
700 Summer Street N.E., Suite 320  
Salem, Oregon

**Call to Order**

**1. Approval of Agenda**

**2. Approval of Minutes**

- ◆ November 5, 2010

**3. Reports**

- ◆ Director's Report
  - Thank you letter from former Governor Theodore Kulongoski
- ◆ Outreach and Communication
- ◆ Statistical Report
  - Licensing, Active License Trends & Web Site Traffic
- ◆ 2009-2011 Budget
  - Revenues & Expenditures
- ◆ Regulatory Operations Division Report
- ◆ Education & Examination Committee Update
- ◆ Policy, Legislation & Administrative Rules
  - Overview of Legislative Process
  - Temporary Administrative Rules – March 1, 2011, One Year Registration
  - Legislation and Rules Committee Update
    - January 7, 2011
    - January 20, 2011

**Working Lunch**

**4. Items for Board Action**

- ◆ Approve Proposed Administrative Rules

**5. Public Comment**

**6. Other Board Business**

- ◆ Board Interest File

**7. Executive Session (If needed)**

**Agenda is subject to change.**

**For the most up to date information visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)**



Oregon Health Licensing Agency  
Environmental Health Registration Board



9 am, Monday, November 5, 2010  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Mike Kucinski, Chair  
Jeffrey Hampton, Vice-Chair  
Paul Cieslak  
Jeff Freund  
Caroline Gross-Regan  
David Bussen

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Business Services Manager  
David Sparks, Regulatory Operations Manager  
Kraig Bohot, Public Information Officer  
Samie Patnode, Policy Analyst  
Nancy Sellers, Senior Policy Analyst  
Cerynthia Murphy, Qualification Analyst  
Sinnamon Harris, Board Specialist

**MEMBERS ABSENT:**

None

**GUESTS PRESENT:**

None

\*This meeting was live audio streamed within the Oregon Health Licensing Agency.

**Call to Order**

Michael Kucinski, Chair, called the meeting of the Environmental Health Registration Board to order at 10 am on Friday, November 5, 2010, at 700 Summer Street NE, Suite 320, Salem, Oregon.

**1. Approval of Agenda**

**MOTION:**

Paul Cieslak made a motion with a second by Jeffrey Hampton to approve the agenda. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Paul Cieslak made a motion with a second by Jeff Freund to approve the minutes for June 14, 2010. Motion passed unanimously.

### **3. Reports**

#### **• Directors Report**

Randy Everitt, Director, stated OHLA hosted a “Chair Summit” on September 1, 2010. One designated representative from each OHLA board or council was in attendance with the exception of a representative from the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists. The summit was held to provide information regarding the role of the chairs and vice-chairs as it relates to professions regulated by OHLA, the distinction between regulatory and association mission/functions, the OHLA budget, and new investigative protocols. Everitt presented a power point that outlined the new investigative protocols established by OHLA. This model is applicable to all professions under the agency model. The following key points were highlighted regarding the new investigative protocols:

- Provides multiple gateways in which to end each investigation within a reasonable amount of time;
- Provides checks and balances to ensure that OHLA, the licensee and the complainant are protected; and
- Allows for the agency to contract with Subject Matter Experts to assist with investigations.

Sylvie McMillan, Business Services Manager, explained the process for subject matter expert approval and how the subject matter expert may be called upon to testify in court.

Everitt also talked about the collaborative effort between agencies to find OHLA’s niche in regards to the broad scope of practice for environmental health specialists. He stated the statute is broadly written and difficult to interpret. Everitt has made initial contact with the directors of the Department of Human Service (DHS) and Department of Environmental Quality (DEQ) to discuss the DEQ exemption under ORS 700.025 and possible registration for other state professionals, such as inspectors of dietary facilities in nursing homes, generally performed by DHS employees. Everitt noted the agency will report ongoing discussions to the EHRB Legislative and Rules Committee meetings in January, 2011.

#### **• Outreach and Communication**

Kraig Bohot, Public Information Officer, presented the current issue of the electronic publication “Central Issues.” Multiple topics will be highlighted in the publication related to statutory exemptions, the role of waste water specialists, and the relevancy of 21<sup>st</sup>-century environmental health regulation. Bohot asked the board members to review and provide him with input and suggestions before the November 12, 2010, publication deadline.

#### **• Statistical Report**

McMillan presented an overview of statistics related to the board. Statistics included were licensing statistics, active license trends, complaints, proposed and final orders, age diversity in practitioners, gender of licensees, and website traffic.

#### **• 2009-2011 Budget**

McMillan presented the statement of cash flow for the 7/01/09-9/30/10 period and the projected cash flow statement through 6/30/2011. She noted the change in allocation that went into effect on October 1, 2010. McMillan explained how the OHLA investigators keep track of the hours they spend upon each board’s business (with vacation days and sick leaves factored in). The allocation was 2.20% and has been adjusted down to 1.93%. Kucinski inquired about the 1.78% figure noted in a letter to Environmental Health Specialists. McMillan pointed out it was clearly stated that 1.78% figure was

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only an estimate. McMillian presented the board with a chart that explained the indirect cost allocation and where the Environmental Health Registration Board fits in with other boards under the agency's umbrella (please refer to chart "Indirect Cost Allocation" in board meeting materials). Indirect costs are those costs resulting from expenditures for the Director's Office, Business Services, and Licensing Division. McMillian also explained the complexity rate. For example, gathering and reviewing all the application information differs in complexity from board to board. Cost allocations cannot be rationalized only using the volume rate, McMillian explained.

Kucinski suggested a time study on other agency functions also. Everitt responded that to have staff detail for every minute someone works on applications, etc., would be too cumbersome for the agency to track; but he explained that the agency is constantly working to hold costs down and find less expensive ways to run the agency. McMillian stated there also are many unseen costs also, that would not show up on a daily basis. Dr. Cieslak remarked that he does not wish the agency to try and do a more precise time study. He believes the agency is making an honest attempt to control costs. Dr. Cieslak recommended a proposal to the Legislature of a pro-rate by number of OHLA registrants across all boards may be an avenue to pursue.

- **Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity from June 2, 2010 through October 22, 2010. Since the last board meeting on June 14, 2010, there have been no complaints filed with the agency.

- **Decision Making and Referral**

Samie Patnode, Policy Analyst, stated at the summit that she presented a new procedure which is being implemented across all OHLA professions. The procedure creates a protocol for the agency to follow when inquiries are received from interested parties regarding scope of practice or practice procedures related to specific agency program. The protocol will allow the board or council the opportunity to review the inquiry and decide on the subsequent action. When reviewing an inquiry the board or council may:

- Determine an answer to the inquiry if the answer is explicitly clear in statute or administrative rule;
- Refer the inquiry to the Scope of Practice, Standards & Procedures Committee for review;
- Refer the inquiry to the Assistant Attorney General (AAG); or
- Decline to address the inquiry.

Patnode noted that if the AAG is involved then there would be a direct cost associated with the advice. She stated a pre-determined limit could be designated for AAG costs. Patnode provided example inquiries the agency had received and an example letter to be sent to interested parties in response to an inquiry.

Patnode also stated that all responses to these inquiries are considered public records and may be published by the agency

- **2011 Legislation –LC 524-OHLA**

Patnode provided a brief overview of proposed 2011 legislation. She noted that currently the agency oversees 11 distinct programs, each having its own statutory requirements for licensure, renewal, licensure status, licensure posting requirements and terminology. The new provisions, if approved,

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would standardize authorization status for all agency programs and define authorization, applying it uniformly throughout agency statutes. The new provisions, if approved, would also consolidate all active, inactive, and expired renewals into agency statutory authority. This would allow the agency to carry out each program renewal process uniformly. It would also consolidate program fee provisions into agency statutes and allows the agency to charge for dormant renewals and educational classes or training.

Currently the Environmental Health Registration Board does not have an exemption for persons interested in internship in the environmental health or waste water fields. In order to perform these duties a person must be a trainee and be in a training program. The amendment will allow students enrolled in an educational institution to intern as an environmental health or waste water specialist without being a trainee under guidelines set forth by rule. Patnode noted the concept will give the flexibility for the board to lay out the rules and that the EHRB Legislative and Rules Committee can decide the parameters surrounding internship.

- **OHLA Permanent Administrative Rules – Affidavit of Licensure**

Patnode provided a summary of changes made to OHLA administrative rules. The rule defines the different types of affidavit of licensure, which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure which includes “incoming” and “outgoing.” “Incoming” is the circumstance in which OHLA receives an affidavit of licensure from another regulatory authority stating that an individual holds an authorization. “Outgoing” is the circumstance in which OHLA sends an affidavit stating that an individual holds an authorization. Patnode explained the rule is necessary to begin to eliminate a potential avenue of licensing fraud in Oregon and other states by requiring protocols when receiving and sending affidavits of licensure. She noted the rule has been implemented for all agency programs.

- **Education/Examination Committee Reports – 10/5 and 10/19**

Cerynthia Murphy, Qualification Analyst, summarized the Education/Examination Committee reports of October 5, and October 19, 2010. She explained the discussion centering on whether there was a need for the waste water specialist program because an environmental health specialist can perform the duties of a waste water specialist. Murphy pointed out historical points made in the report by Subject Matter Experts Steve Wert and Brian Rabe. Clearly there was a need when the waste water program was created as the environmental health specialist examination did not adequately cover soil. The committee, at Murphy’s suggestion, decided to narrow the resources from primary and secondary to only primary sources. Murphy noted there would be quite a few more committee meetings required to complete sourcing the examination as the examination had not been reviewed since 1996.

#### **4. Items for Board Action**

- Administrative Rule Schedule- Rules advisory committee meeting schedule: Friday, January 7, and Friday, January 21, 2011.

Patnode presented an issue statement outlining revisions to ORS Chapter 338 Division 5 through 30 that the board may wish to consider at the Legislation and Rules Committee level along with information regarding temporary rulemaking for an annual renewal cycle. The following list was provided to the board members:

- 1) Clarify Department of Environmental Quality (DEQ) New Onsite Residential Septic System Evaluation (previous position statement);
- 2) Clarify DEQ Standards for Time for Transfer Evaluations for ATT Systems (previous position statement);
- 3) DEQ Required Registration for Specific Classification Types (field inspectors);
- 4) Required Registration for Other Professionals – (nursing home inspectors);
- 5) Clarify the Scope of Practice for an Environmental Health and Waste Water Specialist;
- 6) National Environmental Health Registration (NEHA) Credentialing 3 Tiers;
- 7) General maintenance to ensure consistency with agency and other program rules;
  - OHLA name change
  - Renewal Requirements
  - Registration Posting Requirements

**MOTION:**

Dr. Cieslak made a motion with a second by Jeffrey Hampton to approve the proposed Administrative Rule Schedule for 2011 and Temporary Rule Filing for March 1, 2011, regarding annual renewal to the agency with a change from the **Friday, January 21 date to Thursday, January 20, 2011**. The motion passed unanimously.

● 2011 Chair/Vice-Chair

Nominations were held for chair and vice-chair. Mike Kucinski was nominated by Dr. Cieslak for Chair. There were no other chair nominations.

Jeffrey Hampton was nominated by Dr. Cieslak for Vice-Chair. There were no other vice-chair nominations.

**MOTION:**

The board voted unanimously for Mike Kucinski for 2011 Chair.  
The board voted unanimously for Jeffrey Hampton for 2011 Vice-Chair.

● 2011 Committees

2011 Committees	
Practice and Procedures	Dr. Cieslak, Caroline Gross-Regan, Jeff Freund Alternate: David Bussen
Enforcement	Caroline Gross-Regan, Jeffrey Hampton, David Bussen
Education/Examination	David Bussen, Jeff Freund, Mike Kucinski
Legislation/Rules	Mike Kucinski, Jeffrey Hampton, Dr. Cieslak Alternate: Caroline Gross-Regan
Customer Connection	Jeff Freund

**MOTION:**

Dr. Cieslak made a motion with a second by Caroline Gross-Regan to approve the committee as listed above. The motion passed unanimously.

● 2011 Board Meeting Dates

**MOTION:**

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Jeffrey Hampton made a motion with a second by Jeff Freund to approve the following board meeting dates: February 4, 2011, May 6, 2011, August 19, 2011, and November 4, 2011. The motion passed unanimously. The meeting times remain at 10 am.

### **5. Public Comment/Other Board Business**

- Discussion on Oral Interviews

A board member had raised the question at a past board meeting regarding the oral examinations that the board used to conduct as part of the registration process for environmental health specialist. Murphy read a memorandum to the board members regarding the history of oral examinations that were part of the qualification process pursuant to ORS 700.050. Points of the memorandum and reference dates:

- On April 25, 2003, the board discussed eliminating the oral examinations noting it held no significant value in determining the applicant's knowledge.
- The agency surveyed interested parties requesting feedback regarding elimination of the oral examination. These interested parties included: Council of Local Environmental Health Supervisors, Conference of Local Health Officials, Department of Human Services Health Services, Department of Agriculture and the Department of Environmental Quality.
- On November 21, 2003, the agency reported the results of the survey to the board which indicated an equal ratio in support and elimination of the oral examination.
- The board determined the oral examination was not a demonstration or sound measurement of an applicants experience, training or education.
- Temporary rules were filed with the Secretary of States Office on March 1, 2004, with permanent rules effective on July 1, 2004. Notice was sent to all interested parties during the rulemaking process regarding the elimination of the oral examination.

Murphy also included excerpts from the April 25, 2003, and November 21, 2003 minutes highlighting the discussions surrounding the elimination of the oral interviews.

When Murphy concluded her presentation, Freund commented on his reasons for wanting to reinstate the oral interviews. Freund stated he could get a better feel with a face-to-face interview and added that at his office they had hired two environmental specialists over the phone and neither of those employees worked out. Bussen rebutted that he felt that it is an employer's responsibility to make sure the employee fits and that this is not something the licensing board should have an interest in. Bussen said, he had an oral interview back in 1973 and he felt it was not worthwhile. Kucinski offered that no one had ever been turned away from registration based on the oral interview. Dr. Cieslak stated the oral interview was three simple questions and confirmed that no one had ever not passed the oral interview. He further stated that the board felt the applicant's qualifications were best judged by the written examination. Freund conceded that it may be a wasted step if you could not keep anyone out of registering and the oral interviews were just a formality.

Kucinski posed the question about the possibility of having applicants include a letter of reference. Murphy stated that other boards have had that requirement and the agency has found those letters to be of little value.

- Discussion on Exemptions

Bussen brought up the subject of the standards of registered environmental health specialists and what constitutes a “duty” or “responsibility” of the specialist. Bussen is interested in helping the agency understand the realm of the environmental health specialist and what those duties are and are not. Bussen also talked about the exemptions of being registered and thought that they should be more clearly spelled out. Bussen felt that because the areas are not clearly defined, the agency may have difficulty with enforcement.

Everitt stated the EHRB Legislation and Rules committee could help define the scope of practice for registered environmental health specialists and clarify the issues. The agency could have its assistant attorney general review the committee’s recommendations to see if they are within the scope of the rule or if a recommendation would require a statutory change. The committee would then present the recommendations to the full board. Everitt stated the committee is a good place to start to resolve some of these issues.

The board reviewed the issue statement provided by Patnode again and agreed that the issues under discussion were on the list already for the Legislation and Rules Committee to start discussing on January 7, 2011.

- Discussion on Internships

Bussen brought up the subject of interns and the necessity of setting standards for intern students who are working towards credits by working at county or state facilities. Bussen felt a committee should assist in writing those standards. He suggested the Education and Examination Committee. Dr. Cieslak stated he was not sure that a third category, intern, should be added to registered and trainee. He said that everyone has interns, and he is not sure the board is well served to define what those interns have to be. Bussen stated the reason he brought it up was that some of the interns were operating at the county level as registered environmental health specialists. Dr. Cieslak stated that is illegal. Kucinski mentioned the legislative concept. Hampton stated that if the concept goes through it would allow students enrolled in an educational institution to intern as an environmental health or waste water specialist without being a trainee under guidelines set forth by rule (Legislative Concept 524). Hampton stated what he understood the legislative concept to do was to create an internship in statute where one does not exist today. McMillan stated the legislative concept had already been submitted and that, if passed, the EHRB Legislation and Rules Committee would need to work on rules surrounding the internship and determine what duties an intern may or may not perform.

- Discussion on Applicants

Bussen asked about the board’s involvement with the application process. Could the board have a committee that helps review an applicant’s application’s? McMillan stated the board could set criteria through, for example, the Education and Examination Committee, but has no authority to approve applications. Caroline Gross-Reagan asked if there was someone an applicant could see to help determine what documents were required rather than submit items piecemeal to the agency. McMillan answered that if the applicant had straightforward verifiable education, etc., the application process was

relatively easy. But if the applicant had, for example, military service experience, it was more difficult to put together all the necessary documentation of training. There are certain forms that the agency requires from the military that state “equivalent to,” much like college transcripts. The applicant would still be required to take the examination.

Freund asked McMillan if the agency literally looks at the classes and determines if they line up with the requirements. McMillan stated, yes. For example, if the requirement is 10 hours of soil science then the classes taken on the transcript must have 10 hours of soil science to meet the application requirements. Sometimes the reviewer will contact the school to verify the content of a class. That process explains why sometimes it may take the agency a while to process an application especially if the education is piecemeal.

Everitt stated the agency will do everything it can to qualify someone even though it may be very time consuming.

- **Live Broadcast of Board Meetings**

Everitt stated at the beginning of 2011 the agency intends to have all of the board meetings live broadcast on the Internet so people at home can hear the meetings. The agency is working on having enough bandwidth, microphones, etc. It is not the agency’s intent to broadcast committee meetings.

#### **6. Administrative Rulemaking Training**

Due to the length of time involved Patnode and the board members mutually decided to hold the administrative rulemaking training at the first Legislation and Rules Committee meeting instead of today at the full board meeting.

#### **7. Executive Session-Place Holder**

The board did not enter into executive session.

The meeting adjourned at approximately 2:53 pm.

Prepared by: Sinnamon Harris, Board Specialist



# **Director's Report**





RECEIVED-OHLA

JAN 11 2011

THEODORE R. KULONGOSKI  
Governor

January 6, 2011

Callie Zink  
Environmental Health Registration Board  
Health Licensing Office  
700 Summer Street NE, Suite 320  
Salem, OR 97310

Dear Callie:

Please pass along to the entire board my sincere appreciation for the service and dedication of you and your colleagues on the Environmental Health Registration Board during my administration.

I have always believed that government can make a positive difference in the lives of our citizens, and the service of you and your colleagues have delivered an enduring confirmation of that belief for the people of Oregon. I want you to know that your work has sustained the efforts of my administration and enabled us to realize a record of accomplishments that would not have been possible without your generous and dedicated service.

I thank all of you for your service, and I wish all of you the best in your future endeavors.

Sincerely,

A handwritten signature in black ink that reads "Theodore R. Kulongoski".

THEODORE R. KULONGOSKI  
Governor

TRK:ngd



# **Outreach and Communication**





## Central Issues in Environmental Health Regulation

What are the *key issues* facing the Environmental Health Registration Board in 2011 and beyond?

In 2010, the Oregon Health Licensing Agency (OHLA) produced and distributed a series of online publications for all OHLA-regulated professions called *Central Issues*.

*The goal:* to communicate the key, or central, issues of each profession from a licensing and regulatory perspective to licensees, consumers and other agency stakeholders while fostering increased dialogue and participation in the agency's consumer protection efforts.

Once again, OHLA is requesting feedback from board and council members and other key stakeholders in determining what the central issues of each profession are and what is being done to address these issues.

*For the Environmental Health Registration Board, issues include:*

- DEQ Required Registration for Specific Classification Types (field inspectors)
- Required Registration for Other Professionals (nursing home inspectors)
- Clarify the Scope of Practice for an Environmental Health and Waste Water Specialist
- National Environmental Health Registration (NEHA) credentialing 3 Tiers
- Clarifying DEQ New Onsite Residential Septic System Evaluation and DEQ Standards for Time of Transfer Evaluations for ATT Systems

*Also: Q&A with an OHLA inspector in the Salem Statesman Journal*

Kraig Bohot / OHLA Communications  
503-373-1939 – *direct line*

[kraig.bohot@state.or.us](mailto:kraig.bohot@state.or.us)

[www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

## Inspections ensure, preserve cleanliness



Written by

### Dennis Thompson Jr.

Folks going into a body piercing parlor might feel a bit squeamish if they consider the cleanliness of the equipment about to be used on them.

Same goes for a person about to get a haircut or a tattoo.

Trampus Schuck works to make sure people don't have to worry about such things. An inspector with the Oregon Health Licensing Agency, Schuck inspects cosmetologists and other such businesses to make sure they are maintaining proper hygiene.

Schuck lives in central Salem, and has been with the state since 2008.

**QUESTION:** What do you inspect or investigate?

**ANSWER:** My main job is to do routine inspections of cosmetology facilities, such as hair, nail, facial places, barber shops. I also inspect tattoo shops and body piercing facilities.

**Q:** Why are health inspections important in

those kind of businesses?

**A:** With all three of those professions, there is person-to-person contact. There has to be a certain level of sanitation that happens in between one client and another.

For example, if you're getting a pedicure done with a jetted foot spa, and you go in and put your feet in there and then the next person comes in and puts their feet in there and then the person after that, you can see if they aren't cleaning that properly between clients you can have the potential of spreading all kinds of things from fungus to tuberculosis-related bacteria.

Also, with sharp implements you could be cutting somebody and spreading a blood-borne pathogen from one person to the next. Hair dressers aren't likely to cut clients, but they do cut themselves on a regular basis.

**Q:** So you are the guys who make sure hairdressers dunk their tools in the blue



disinfectant?

A: That's right. And with a tattoo artist, we're the ones that make sure they are sending their tools and equipment through an autoclave and sanitizing those things.

When you think about a body piercer or a tattooist, poking somebody and them bleeding is part of the process. Every client, you're going to be exposed to their blood as part of the procedure. There are higher stakes there, and there are higher levels of sanitation than for cutting hair.

We're basically going in to make sure the practitioners are licensed, so they presumably know what they're doing, and that they are adhering to safety and sanitation laws and rules.

Q: Are these annual inspections?

A: Typically they are annual inspections. We also do follow-up inspections, if we go in and find things that need to be taken care of.

Q: Do you have some horror stories about places you've gone to that have just been off-the-charts bad?

A: Yeah, there are places you go into and you kind of think, "Oh my gosh, I can't imagine coming in here to receive a service." You have things like the walls having mold and mildew, or a foot spa where you open up the filters and it's completely covered in mold and gunk and dead skin and hair and all kinds of things,

where they aren't opening that up and cleaning it. So everybody who puts their foot in that is exposing themselves to whatever the last 10 people had.

Where you really see some pretty nasty stuff is when you're dealing with unlicensed tattooists and things like that. People will be tattooing in the garage or on their sofa. I've seen garages where there's all kinds of animal waste and things like that, where they're tattooing right there.

We've had situations where people were cutting hair or doing tattoos or body piercing with animals right there in the area. There was a situation where a person had a snake wrapped around them while they were doing a tattoo.

The vast majority of these places are actually really good. With tattoos and body piercing parlors, for example, you go into those places and they are clinically clean. They are spotless. Sometimes the tattoo places are a little extreme and they have the dark walls and things like that, but

when you really start looking at how they're doing their sanitation, they're really doing it well. The licensed people, they take it pretty seriously. The risks are so apparent, the potential for cross-contamination is so apparent, that it's easy for them to understand why it's so important.

On the other hand, sometimes you'll go into a place where they just don't understand. "What's the problem here? Nobody's getting anything." Well, how do you know nobody's getting anything? Look at this. Look at that. People could easily be getting things and you wouldn't even know it.

For the most part, I would say these places are pretty good. The problems we do find usually are pretty minor. But part of that is because they know somebody is going to come around and check it out. You definitely see a difference in areas of the state where for some reason or another a town has been missed. You may go there and see a place that hasn't been inspected for a couple of years or several years, and those places as a group have many more problems and issues that have to be dealt with than a place that's inspected annually. They don't know when you're coming, and so they stay on their toes.

Q: So these inspections are unannounced?

A: Yes. These are surprise inspections, with the exception of a place you just can't get into, like a home shop, where you have eventually have to call ahead and say when can I come inspect you. The vast majority, 99 percent of our inspections, are

unannounced.

Q: What happens when you note some things that are dirty or aren't being done correctly?

A: If it's part of a standard inspection, nobody's filed a complaint or anything like that, we're going to go through the entire salon. If you see problems, you tell them that they have these problems. If there's something that's really an immediate health risk, like someone isn't licensed and you aren't sure they are qualified to be doing what they are doing, you're going to tell them that they are probably going to receive a civil penalty for this — basically give them a ticket.

You may find several things that need to be corrected. In that case, you would tell them those things, and that's where the follow-up inspection comes in. You drop in unannounced at a later date and see if they fixed the things you told them were wrong. And if they haven't fixed them at that time, then they will receive a penalty.

# StatesmanJournal.com

OREGON'S MID-WILLAMETTE VALLEY

[dmthomps@StatesmanJournal.com](mailto:dmthomps@StatesmanJournal.com) or (503)  
399-6719



# Statistical Report Budget Report



**Oregon Health Licensing Agency**  
**Environmental Health Registration Board - (EHRB)**  
 2009-11 Biennium

	Jul09-Sep09	Oct09-Dec09	Jan10-Mar10	Apr10-Jun10	Jul10-Sep10	Oct10-Dec10	
Registrations	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	5th Qtr	6th Qtr	Totals
New issued Environmental Health registrations	5	3	4	4	8	2	26
New issued Environmental Health trainee registrations	2	7	1	4	2	4	20
New issued Waste Water trainee registrations	0	0	0	1	0	0	1
Re-issued Environmental Health registrations	0	0	0	0	1	1	2
Registrations renewed over the counter (OTC) or by mail	41	5	3	2	2	32	85
Registrations renewed online	14	0	0	0	2	18	34
% of registrations renewed OTC or by mail	75%	100%	100%	100%	50%	64%	71%
% of registrations renewed online	25%	0%	0%	0%	50%	36%	29%

Examinations	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	5th Qtr	6th Qtr	Totals
Environmental Health Specialist Exam - Passed	4	1	3	1	2	3	14
Environmental Health Specialist Exam - Failed	1	2	3	0	2	0	8
Environmental Health Specialist Exam - % Passed	80%	33%	50%	100%	50%	100%	64%
Waste Water Specialist Exam - Passed	0	0	0	1	0	0	1
Waste Water Specialist Exam - Failed	0	0	0	0	0	0	0
Waste Water Specialist Exam - % Passed	0%	0%	0%	100%	0%	0%	100%

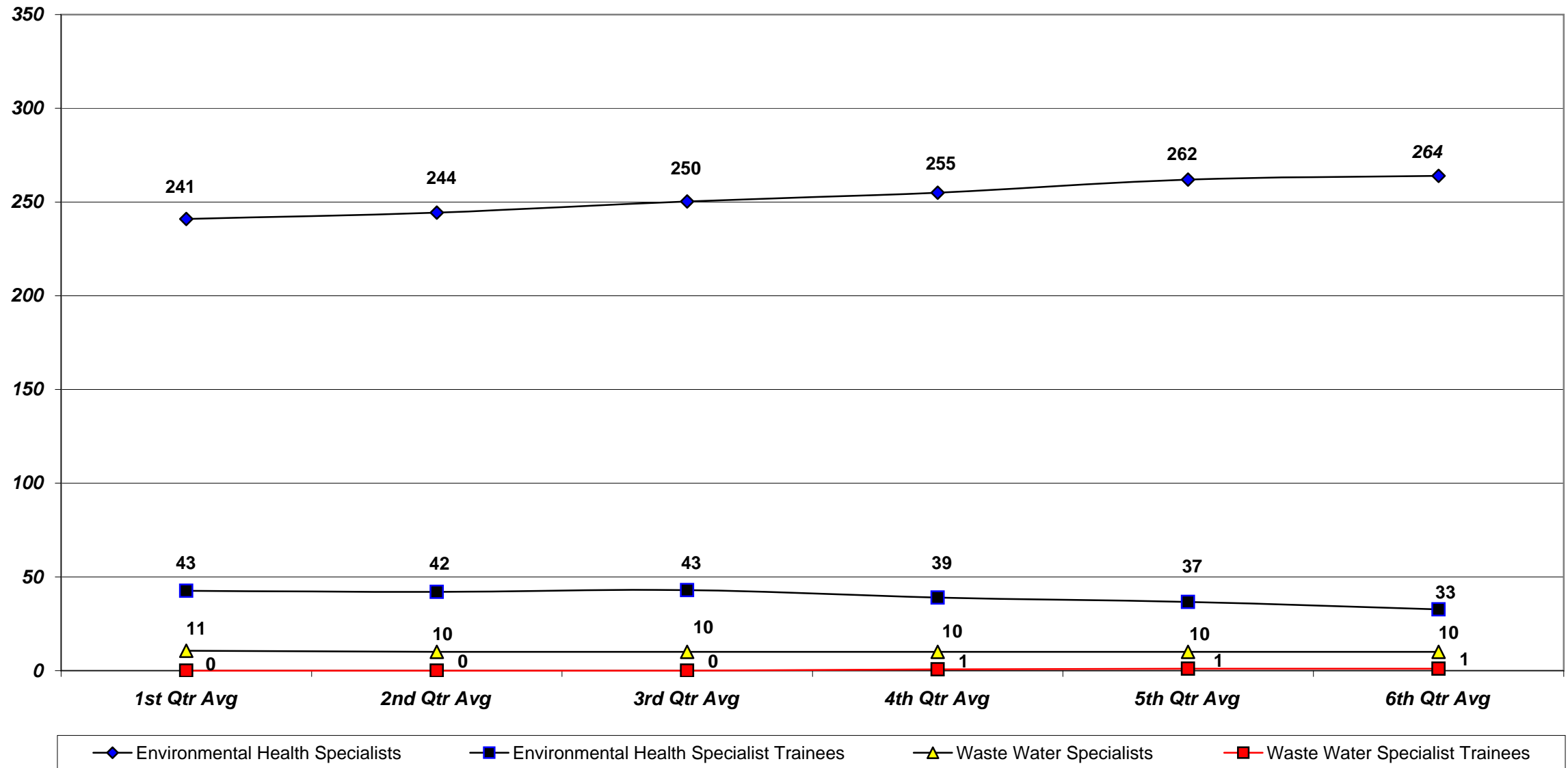
Regulatory	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	5th Qtr	6th Qtr	Totals
Complaints Received	0	0	0	0	0	0	0
Proposed Orders Issued	0	0	0	0	0	0	0
Final Orders Issued	0	0	0	0	0	0	0

# Oregon Health Licensing Agency

Environmental Health Registration Board

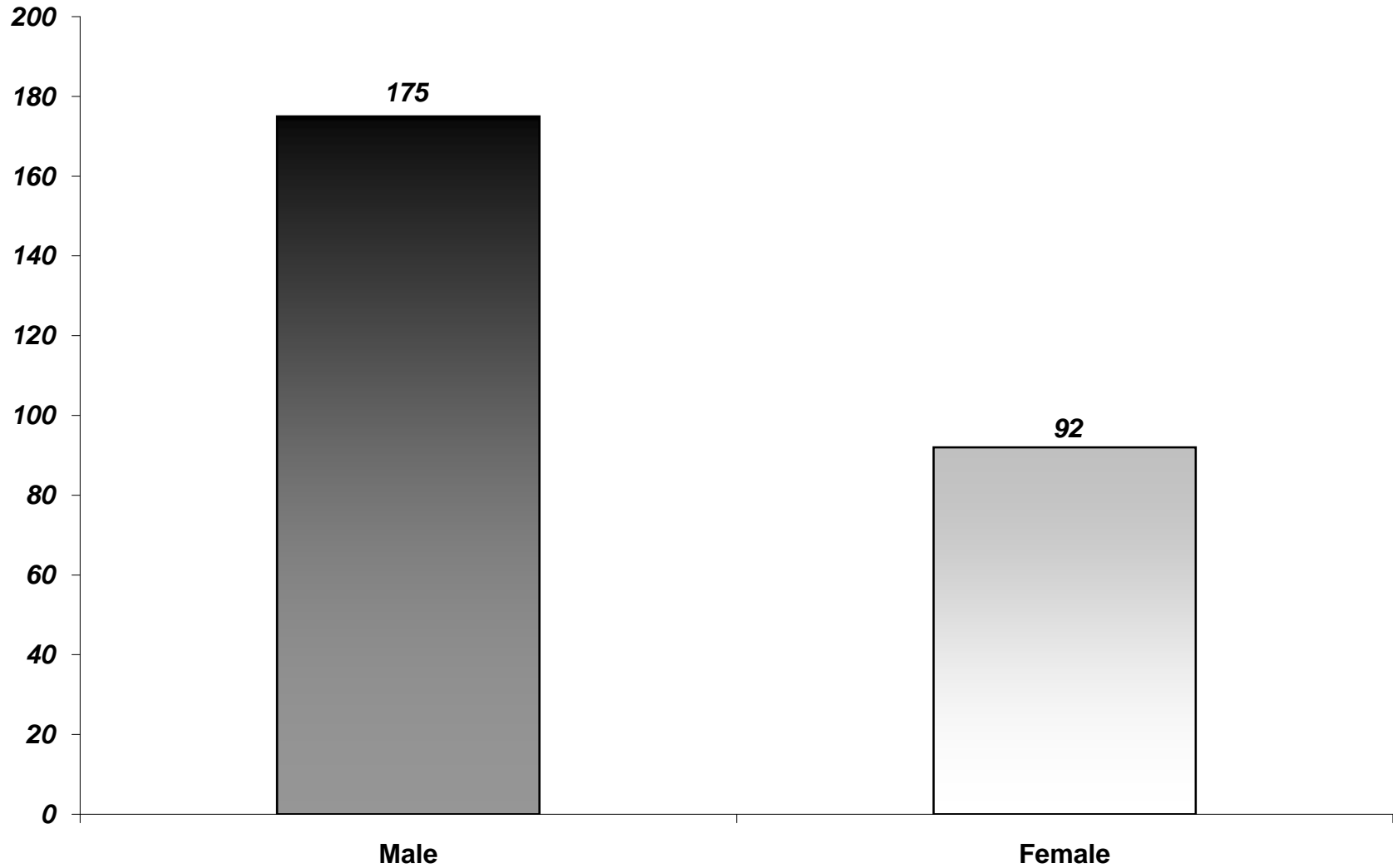
Average Active Registrations held through January 2011

2009-11 Biennium



# ***Oregon Health Licensing Agency***

***Environmental Health Registration Board  
Environmental Health and Waste Water Specialists  
by gender as of January 2011***

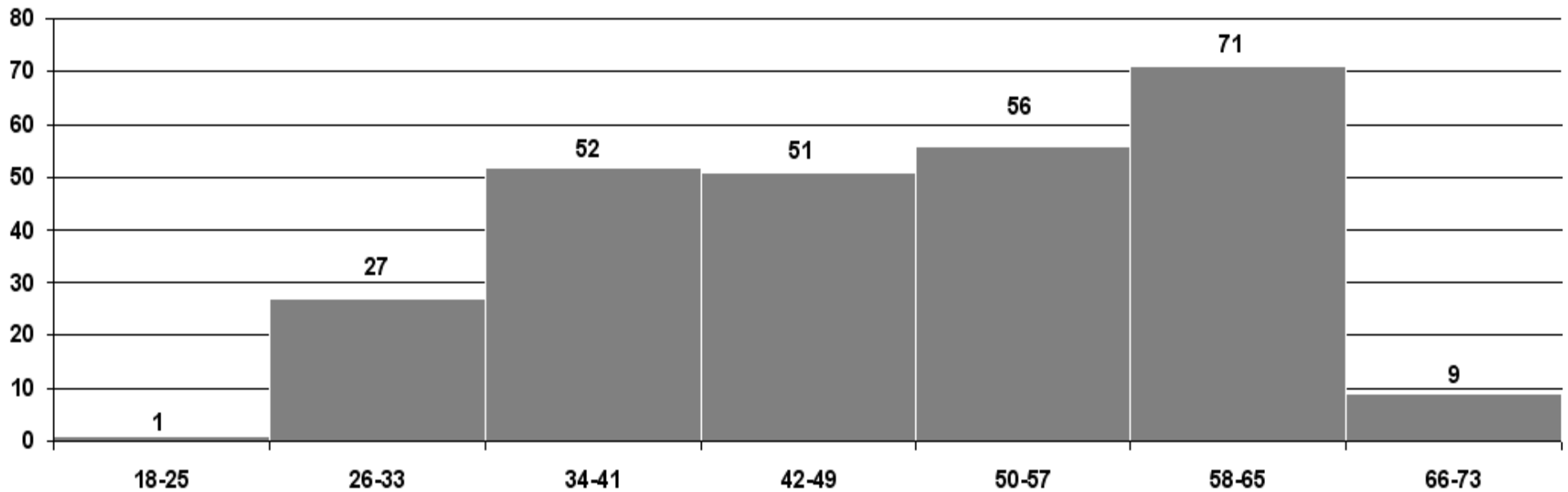


# Oregon Health Licensing Agency

## Registered Environmental Health Board

### Permanent Environmental Health and Waste Water Specialists

Quantified by age group  
as of January 24, 2011

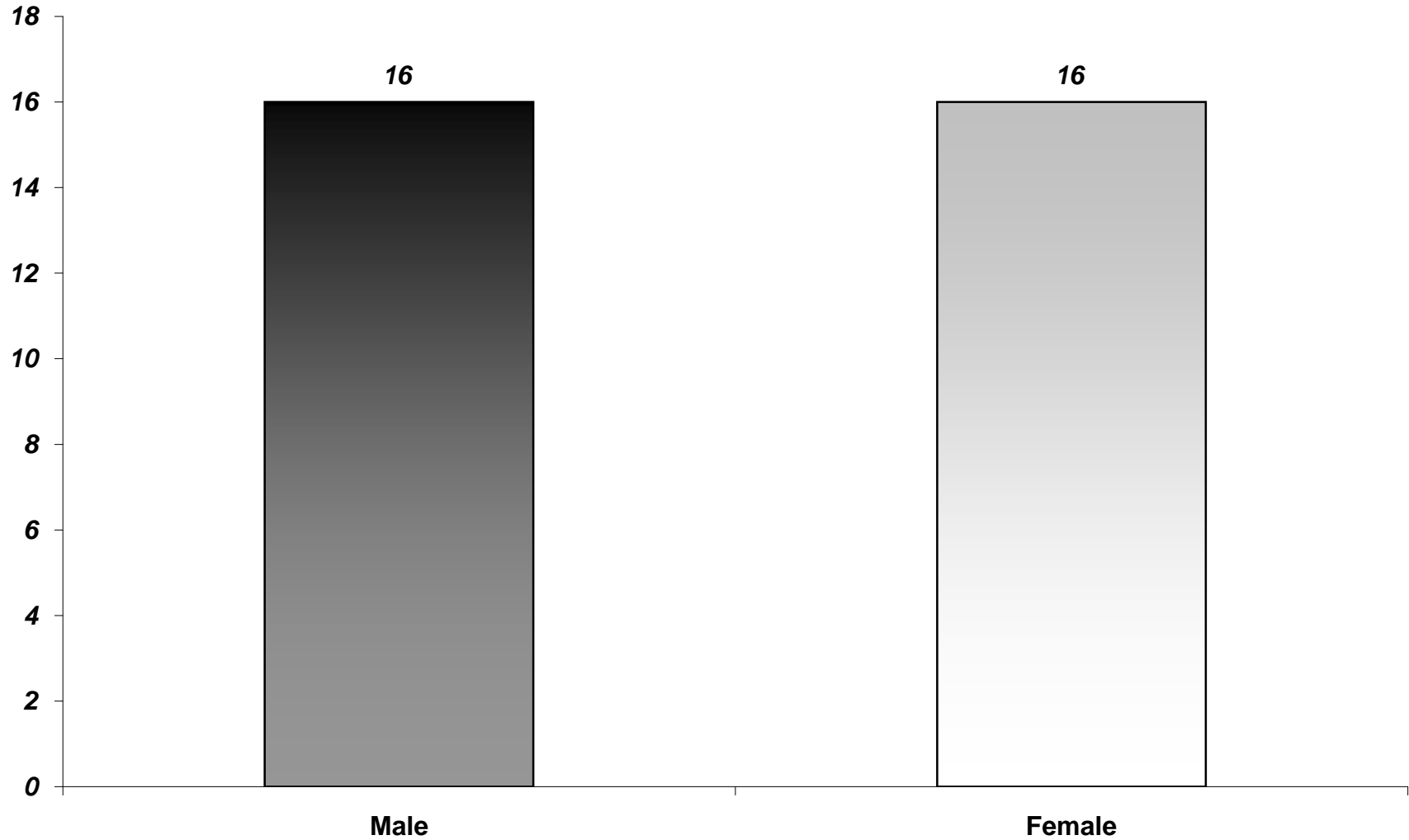


# ***Oregon Health Licensing Agency***

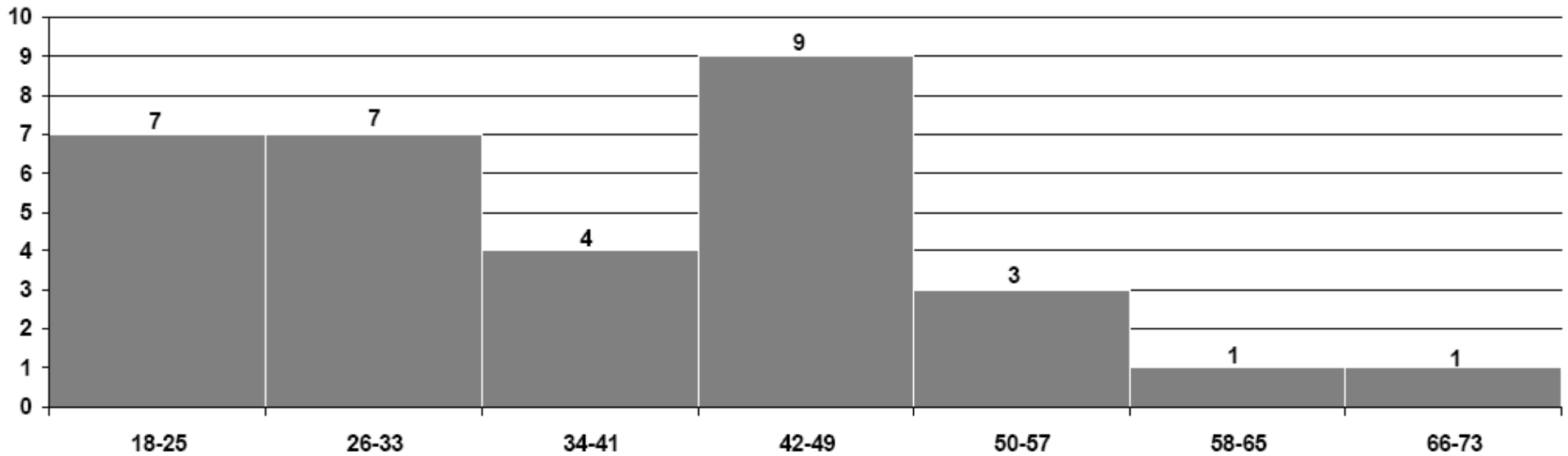
***Environmental Health Registration Board***

***Environmental Health and Waste Water Specialist Trainees***

***by gender as of January 2011***



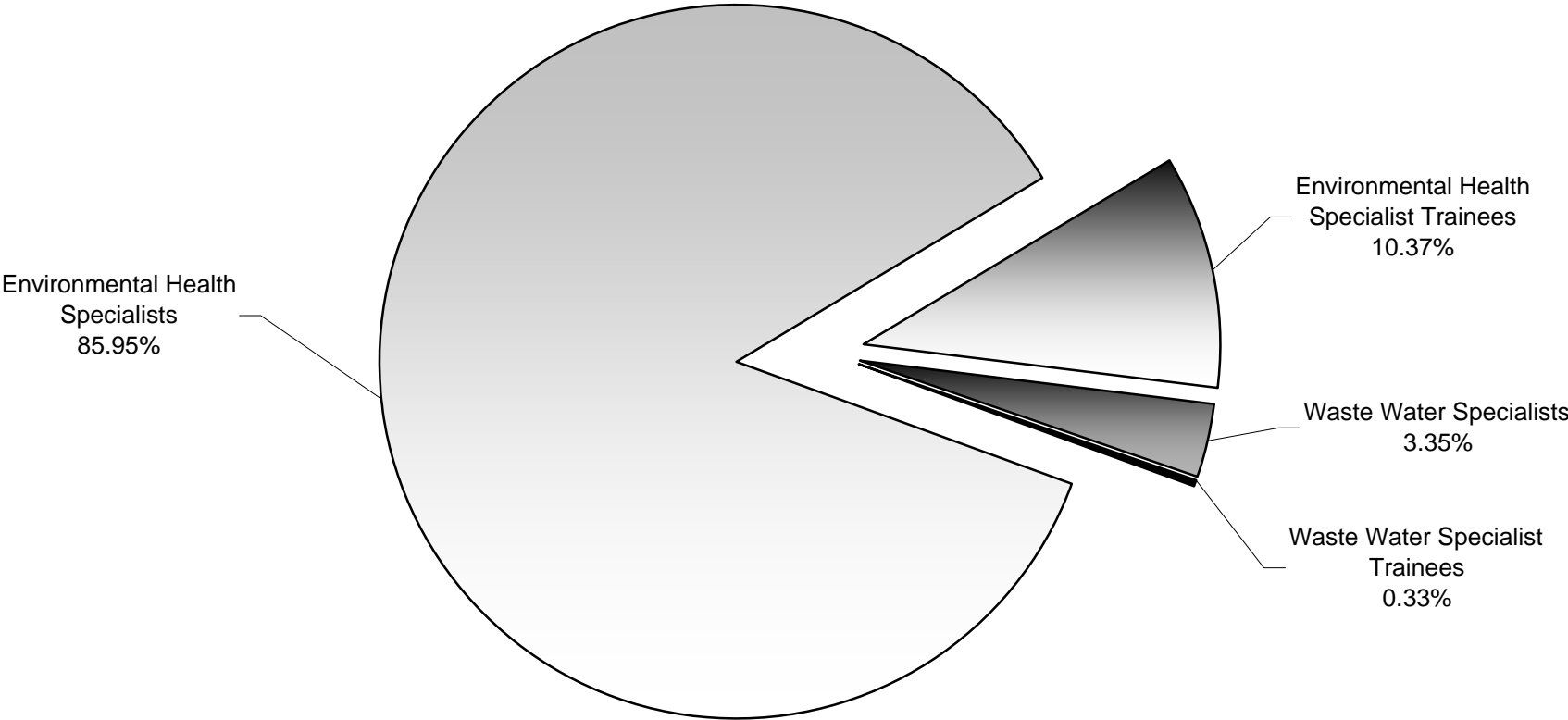
**Oregon Health Licensing Agency**  
**Registered Environmental Health Board**  
**Permanent Environmental Health and Waste Water Specialist Trainees**  
Quantified by age group  
as of January 24, 2011



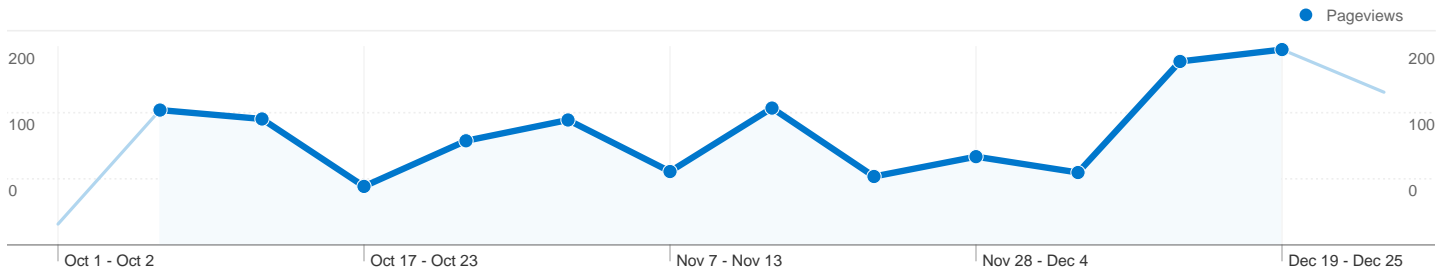
# Oregon Health Licensing Agency

Environmental Health Registration Board

Registration Breakdown - January 2011



□ Environmental Health Specialists	■ Environmental Health Specialist Trainees
■ Waste Water Specialists	■ Waste Water Specialist Trainees



70 pages were viewed a total of 1,553 times

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Pivot by: Source

1 - 5 of 32

	Total	google	(direct)	oregon.gov	bing	licenseinfo.oregon.gov
Page	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews	Pageviews
/OHLA/EHS/index.shtml	265	86	51	67	25	0
/OHLA/EHS/How_to_Get_Licensed.shtml	218	100	27	18	21	24
/OHLA/EHS/forms.shtml	133	58	23	28	10	5
/OHLA/EHS/meetings.shtml	74	7	42	20	1	0
/OHLA/EHS/EHRBContinuingEducation.shtml	65	30	14	13	2	3
/OHLA/EHS/docs/EHS_Approved_Science_Courses.pdf	64	24	14	7	4	12
/OHLA/EHS/ehsfees.shtml	60	21	6	8	6	8
/OHLA/EHS/about_us.shtml	57	21	17	15	1	0
/OHLA/EHS/docs/Forms/EHS_Qualification_Application.doc	47	13	10	10	7	1
/OHLA/EHS/EHSlaws_rules.shtml	43	11	13	7	5	0

1 - 10 of 70

# Oregon Health Licensing Agency

## Environmental Health Registration Board

### Cumulative Revenue and Expenditures

#### For the Biennium 2009-2011

<b>OREGON HEALTH LICENSING AGENCY</b> <b>ENVIRONMENTAL HEALTH FUND 7550</b> <b>STATEMENT OF CASH FLOWS - Actuals</b> <b>FOR THE PERIOD 07/01/09 - 12/30/10</b>		
09-'11 Beginning Cash Balance	\$	16,823
Revenues	\$	67,435
Expenditures	\$	93,039
Less: Accrued Expenditures	\$	(233)
Less: Total Expenditures	\$	(92,806)
Subtotal: Resources Available	\$	(8,548)
Change in (Current Assets)/Liabilities	\$	83.04
<b>Ending Cash Balance (Actual)</b>	<b>\$</b>	<b>(8,465.23)</b>
<b>Cost Allocation 7/1/2009 - 1/31/2010</b>		
Small Board Assessment Rate		1.60%
License Volume / Workload Complexity Rate		0.50%
		2.10%
<b>Cost Allocation 2/1/2010 - 9/30/2010</b>		
Small Board Assessment Rate		1.60%
License Volume / Workload Complexity Rate		0.60%
		2.20%
<b>Cost Allocation 10/1/2010 - 6/30/2010</b>		
Small Board Assessment Rate		1.50%
License Volume Rate		0.43%
Indirect Rate for - DO / BSD / LICEN		1.93%
Regulatory Usage Costs		

# Oregon Health Licensing Agency

## Environmental Health Registration Board

### Cumulative Revenue and Expenditures

#### For the Biennium 2009-2011

<b>OREGON HEALTH LICENSING AGENCY</b> <b>ENVIRONMENTAL HEALTH FUND 7550</b> <b>STATEMENT OF CASH FLOWS - Projections</b> <b>FOR THE PERIOD 07/01/09 - 06/30/11</b>	
09-'11 Beginning Cash Balance	\$ 16,823
Revenues	\$ 100,424
Expenditures	\$ 121,085
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (121,085)
Subtotal: Resources Available	\$ (3,838)
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Projected)</b>	<b>\$ (3,838)</b>
<b>Cost Allocation 7/1/2009 - 1/31/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.50%
	2.10%
<b>Cost Allocation 2/1/2010 - 9/30/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.60%
	2.20%
<b>Cost Allocation 10/1/2010 - 6/30/2011</b>	
Small Board Assessment Rate	1.50%
License Volume Rate	0.43%
Indirect Rate for - DO / BSD / LICEN	1.93%
Regulatory Usage Costs	



# **Regulatory Operations Division Report**





**Oregon Health Licensing Agency  
Regulatory Operations Division**

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**ENVIRONMENTAL HEALTH REGISTRATION BOARD**

**Regulatory Operations Division Report  
February 4, 2011**

**The current regulatory reporting period is November 5, 2010 through January 31, 2011. The Agency has received no complaints during this reporting period.**

◆◆◆  
**Verbal**  
**Examination Committee**  
**Update**  
◆◆◆



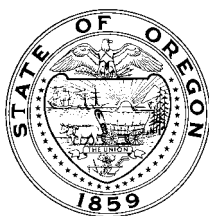
# **Policy, Legislation And Administrative Rules**





# **Overview of Legislative Process**





# Oregon Health Licensing Agency

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## MEMORANDUM

January 6, 2011

**To:** OHLA Boards and Councils  
**From:** Nancy Sellers, Senior Policy Adviser  
**Subject:** Overview of Legislative Process

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### Hierarchy of Law Governing State Agencies

- **US and Oregon Constitutions**
  - **Oregon Revised Statutes**
    - *Oregon Laws*
    - *Budget Notes*
      - **Governor's Executive Orders/Agency Directives**
        - **Oregon Administrative Rules**
          - **Agency Policies**
            - **Agency Practices**

Laws may be made, amended or repealed by a vote of the people in an initiative or referendum, or by the Legislature.

State of Oregon Executive Branch agencies may not independently propose legislation. The process for agencies to request legislation is through the official Legislative Concept process:

1. Agency determines need for legislation. Upon director's approval, submits a formal proposal during a set timeline in between regular legislative sessions (the interim).
2. Proposals are reviewed by the Governor's Office and its designees (Department of Administrative Services). Consistency with the Governor's goals and political agenda and any fiscal impacts are considered.
3. Approved concepts are submitted to Legislative Counsel for drafting into bill form.
4. Final review by the Governor. Concepts receiving final approval are "Pre-session filed" by the Governor and enter the same formal legislative process as any other bill for consideration by the Legislature.

**Persons acting as agents of the Executive Branch of government – including agency management, employees and appointed board and council members – are not allowed to advocate for or against legislation, budgets or other legislative initiatives without the express permission of the Governor's Office.**

## **Legislative Relations**

Consistent and clear communication is key to successfully navigating the complex and sometimes rapidly moving legislative process. Surprises are seldom good during the legislative session.

OHLA works closely with the Governor's Office, Department of Administrative Services, partner agencies, stakeholder groups and the Legislature to ensure that all bills, potential amendments and budgets that may impact the agency and its stakeholders are fully vetted and understood.

As OHLA board and council members, you can be a great asset in this process. You often play a dual role: both as agents of the state in your official capacity with OHLA, and as private citizens working in your individual professions. You may hear about actual or rumored legislative proposals that may have an effect on OHLA before we do. Please send Samie Patnode and me an e-mail or give us a call so we can follow up and track as appropriate.

Samie and I also will be your contacts to provide you with information. You will get updates at your board or council meetings, but we also can send you updates on bills and topics of interest.

## **Legislative Contacts**

As citizens, you have a constitutional right to participate in the political and legislative process separately from your role as an Oregon board or council member. However, please remember that you may not represent yourself in your official role to advocate for or against legislative action without the approval of the agency, which will first seek the approval of the Governor's Office.

If a legislator, staffer or other agent of the Legislature contacts you directly regarding policies and legislation of the agency, please clarify with him or her that you are speaking as an individual, and not as a representative of the regulatory/advisory board of which you are a member. As a courtesy, please give Samie and me a heads up e-mail or call so we know what is being discussed.

If legislators or staffers are looking for an official response, please direct them to me and we will follow-up promptly, and keep you informed. If there is ever an immediate need, please feel free to call me directly on my cell phone.

*We look forward to working with you this session!*

## **Legislative Contact Information**

Nancy Sellers, Senior Policy Analyst

[nancy.sellers@state.or.us](mailto:nancy.sellers@state.or.us)

503-373-1904 (office)

503-999-2179 (cell)

Samie Patnode, Policy Analyst

[samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)

503-373-1917

◆◆◆  
**Temporary Administrative  
Rules**

**March 1, 2011**

**One Year Registration**  
◆◆◆



Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Licensing Agency / Environmental Health Registration Board  
Agency and Division

OAR Chapter 338  
Administrative Rules Chapter Number

In the Matter of: Amendment of 338-005-0030

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Change to one year renewal cycle in order to reduce the financial burden to registrants.

Statutory Authority: 676.605, 676.606, 676.615, 700.53, 700.080

Other Authority:

Stats. Implemented: 676.605, 676.606, 676.615, 700.080

**Need for the Temporary Rule(s):**

The temporary rule is necessary to assist in reducing the current financial burden to environmental health and waste water specialists.

A new fee structure was implemented on October 1, 2008, for all agency programs. All authorization holders including environmental health and waste water specialists were extended to a two year renewal cycle in an effort to reduce cost. This inadvertently created a financial burden to applicants and current registrants.

On November 5, 2010 the Environmental Health Registration Board (EHRB) voted to move back to a one year renewal cycle. By moving the biannual renewal back to a one year renewal cycle, the fee for original registrations and registration renewals will be \$150 per year vs. \$300 per biennium. Although the fee in effect remains flat it would allow a registrant to pay a smaller renewal fee once a year vs. paying a larger renewal fee every two years.

**Documents Relied Upon, and Where They Are Available:**

Agency and board fiscal reports and records, analysis findings/documentation and allocation methodology criteria provided to board members and Department of Administrative Services, Budget & Management/Budget Analyst. Environmental Health registration board meeting minutes from 2008, 2009 and 2010.

All documents are available at the Oregon Health Licensing Agency 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday Through Friday between 7:30am to 4:30pm. Email: [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)

**Justification of Temporary Rule(s):**

The temporary rule is necessary to assist in reducing the current financial burden to environmental health and waste waster specialists as well as reducing the up front cost to individuals seeking registration.

	Randall Everitt, Director	02/25/2011
Authorized Signer	Printed name	Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 945-2005

**OREGON HEALTH LICENSING AGENCY,  
ENVIRONMENTAL HEALTH REGISTRATION BOARD**

**DIVISION 5**

**REGISTRATION: GENERAL ADMINISTRATION**

**338-005-0030**

**Fees**

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Registration -- environmental health specialist: \$150.

(B) Registration -- waste water specialist: \$150.

(C) Registration by reciprocity: \$200.

(D) Trainee registration -- environmental health specialist: \$150.

(E) Trainee registration -- waste water specialist: \$150.

(b) Examination:

(A) Oregon laws & rules: \$50:

(B) Written -- environmental health specialist: \$250.

(C) Written -- waste water specialist: \$250.

(c) Original issuance of registration (including by reciprocity):

(A) Environmental health specialist: \$300 **for one year**.

(B) Waste water specialist: \$300 **for one year**.

(C) Trainee registration -- environmental health specialist: \$300 **for two years**.

(D) Trainee registration -- waste water specialist: \$300 **for two years**.

(d) Renewal of registration:

(A) Environmental health specialist: \$300 **for one year**.

(B) Waste water specialist: \$ 300 **for one year**.

(e) Trainee extension (six month increments):

(A) Environmental health specialist **trainee**: \$100.

(B) Waste water specialist **trainee**: \$100.

(f) Other administrative fees:

(A) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(B) Restoration of expired registration (payable up to three years of expiration): \$150.

(C) Replacement of registration, including name change: \$25.

(D) Duplicate registration document: \$25 per copy with maximum of three.

(E) Affidavit of licensure: \$50.

(F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 700.080 & 700.240

Stats. Implemented: ORS 676.605, 700.080 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08



# **Legislation and Rules Committee Update**





## **Items for Board Action**



**Issue:**

Review administrative rules for consistency, standardization and professional practice.

**Discussion:**

On November 5, 2010, the Environmental Health Registration Board approved an administrative rulemaking schedule for the year 2010. The Legislation and Rules Committee met on January 7, 2011, and January 20, 2011 in order to review and recommend changes to administrative rules.

A summary of proposed rule changes include:

- General amendment to OAR, Chapter 338 Divisions 005-030 to align current industry, agency and statewide rulemaking standards and principles.
- Amendments made to align with administrative rules for all OHLA programs pertaining to application, identification requirements, examination, affidavit of licensure and civil penalty requirements.
- Align definitions to meet rulemaking standards and reduce from 31 to 19.
- Amend registration renewal from two years to one year financial burden to registrants.
- Amendments made to align with statutory provisions pursuant to ORS 700.080, by establishing a reactivation fee.
- Amend number of years a license can be renewed up to three years in order to align with renewal requirements and agency delinquency protocol.
- Amendments made to application requirements to include all requirements from registration including education, work experience and passage of an examination. Includes trainee registration pathway and two pathways to permanent registration.
- Amendments made to align renewals with agency standards and protocols, including current renewal, late renewal up to three years, and after three years reapplication through one of two pathways.
- Amendments made to verbiage in to trainee registration requirements in order to clarify standards for a trainee instead of requirements to become a trainee.
- Adopt standards for supervisor qualifications for an environmental health and waste water specialist.
- Amendments made to continuing education auditing requirements in order to streamline with agency protocols and documentation requirements. Also includes disciplinary authority for failing to meet continuing education requirements.
- Repealed OAR 010-0017 "Application for Registration as a Trainee", OAR 338-010-0025 "General Requirements for Registration; Requirements for Reciprocity;" OAR 338-020-000 "Continued Competency", OAR 335-020-0060 "Continuing Education Credit Criteria due to redundancy.

If the board approves proposed administrative rules, the public comment period will begin on March 1, 2011 and end as of March 28, 2011. An administrative rulemaking hearing is scheduled for March 28, 2011. The board is scheduled to adopt permanent rules on May 6, 2011.

**Recommendation:**

1. Approve proposed administrative rules regarding OAR Chapter 338 Divisions 005-030.
2. Schedule two Legislative and Rules Committee meetings to continue to review the duties of an environmental health and waste water specialist including possible registration requirements for employees of government agencies.
  - ◆ March 23, 2011 – 9 am
  - ◆ March 24, 2011 – 9 am
  - ◆ April 18, 2011 – 9 am
3. Recommend proposed administrative rule fiscal impact.

**Statement of Cost of Compliance:**

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E):
2. Cost of compliance effect on small business (ORS 183.336):
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
  - c. Equipment, supplies, labor and increased administration required for compliance:

**OREGON HEALTH LICENSING AGENCY,  
ENVIRONMENTAL HEALTH REGISTRATION BOARD**

**DIVISION 5**

**REGISTRATION: GENERAL ADMINISTRATION**

**338-005-0020**

**Definitions**

The following definitions apply to OAR 338-005-0020 through 338-020-0050.

~~(1) "Agency" means the Health Licensing Office. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.~~

**(1) "Agency" means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.**

(2) "Board" means, pursuant to ORS 700.210, the entity that advises the agency in matters relating to the practice of environmental sanitation and waste water sanitation, including establishing practice standards, education and training requirements, and advises the agency on all disciplinary issues in accordance with **ORS** 700.240. The agency director controls the regulatory operations and has decision-making authority on all substantive matters.

~~(3) "Candidate" means the applicant seeking registration as an environmental health specialist, environmental health specialist trainee, waste water specialist or waste water specialist trainee.~~

~~(4) "C.E.U." means a continuing education unit. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.~~

**(3) " CEU." means a continuing education unit and the numerical value determined by the Board to be earned by a renewal applicant by attending a specified Training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably..**

~~(5) "College level" means those courses of instruction given at an accredited college or university with assigned credit toward the achievement of a baccalaureate degree.~~

~~(6) "Contact hours" means academic classroom or course work hours including but not limited to workshops, symposiums, seminars, or laboratory exercises. Contact time does not include personal travel time to or from the training site, registration or check-in periods, breaks or lunch time granted during attendance at any continuing education seminar or course.~~

~~(7) "Continuing education unit" means the numerical value determined by the Board to be earned by a renewal applicant by attending a specified Training course.~~

~~(8) "Direct personal supervision" means supervision without any intermediary or deputy.~~

~~(9) "Director" means the individual who is responsible for the performance of the agency as defined in ORS 676.610. The director appoints all subordinate officers and employees to carry out the duties of the agency.~~

~~(10)~~ **(4)** "Duties of an environmental health specialist" means activities which include, but are not limited to, the enforcement of regulations and statutes; planning and/or conducting surveys, investigations, and inspections; interpretation and utilization of data to promote environmental sanitation as it affects the health of the public or the quality of the environment.

~~(11)~~ **(5)** "Duties of an environmental health specialist trainee" means the utilization of the same skills, responsibilities and activities as the duties of an environmental health specialist; however, in a learning, training capacity and under the supervision of a registered or other qualified person as determined by the board.

~~(12)~~ **(6)** "Duties of a waste water specialist" means activities limited to those identified in ORS 700.056(1).

~~(13)~~ **(7)** "Duties of a waste water specialist trainee" means the utilization of the same skills, responsibilities and activities as the activities of a waste water specialist; however in a learning, training capacity and under the supervision of an environmental health specialist, waste water specialist or other qualified person as determined by the board.

~~(14) "Expired registration" means a registration that is not renewed prior to the expiration date (not to exceed three years). Persons with expired registrations~~

~~may not legally work in the field of environmental sanitation or waste water sanitation.~~

~~(16) "Health Licensing Office" means the agency.~~

~~(17) "Official transcript" means an original document certified by the school indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted through mail by the school or by courier from the school to the Board office in a sealed envelope.~~

~~(18) "Other qualified person" means a person with qualifications and background in environmental sanitation equal to those of an environmental health specialist or a waste water specialist as determined by the board.~~

~~(19) "Reasonable notice" means notification in no less than 10 calendar days.~~

~~(20) "Reciprocity" means:~~

~~(a) Registration in another state based on the equivalent standards of training and education required for Oregon registration as an environmental health specialist or waste water specialist according to the provisions of ORS 700.030 and 700.035; and~~

~~(b) A written examination successfully completed by the candidate which is equivalent to the written examination required in Oregon of candidates for registration by examination at time of application.~~

~~(21) "Related activities" means those activities which have a discernable connection to environmental sanitation.~~

~~(22) (8) "Environmental health specialist" means an individual who has met the requirements of ORS 700.030 and has been issued a registration to practice environmental sanitation as defined in 700.010(6).~~

~~(23) (9) "Environmental health specialist trainee" means an individual who has met the requirements of ORS 700.035 and has been issued a registration to practice environmental sanitation under supervision in order to complete the required training, education and work experience under 700.030 for registration as a an environmental health specialist.~~

~~(45) (10) "Full-time employment or equivalent hours" means employment consisting of a 40 hour work week for a minimum of 96 consecutive weeks not to exceed two years; or, a period of employment with a cumulative total of 3,840 clock hours.~~

**(11) "NEHA" means National Environmental Health Association.**

**(12) "Official Transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by the accredited college or university by mail or courier to the agency in a sealed envelope in accordance with ORS 700.030 and 700.053.**

~~(24)~~ **(13)** "Science courses relating to environmental sanitation" means those courses of study which relate to environmental sanitation in the physical and natural sciences and includes special courses in sanitary science and public health.

~~(25)~~ **(14)** "Soil science courses" means, as used in ORS 700.053(3), at least 23 quarter hours or 15 semester hours, or combination thereof, of college courses in soil science, plus enough additional quarter or semester hours in other related college courses of study in the physical and natural sciences to equal a total of 45 quarter hours or 30 semester hours.

~~(26)~~ **(15)** "Supervision" means the direction and control exercised over one person by another in a traditional employee/employer relationship. Supervision includes ongoing oversight of work in the field and office, and review of reports, investigations or inspections conducted.

~~(27)~~ "Timely renewal" means an application for registration renewal received on or before the expiration date.

~~(28)~~ **(16)** "Waste water specialist" means an individual, defined in ORS 700.010(11), who has met the requirements of 700.053 and has been issued a registration to practice waste water sanitation within the scope of 700.056.

~~(29)~~ **(17)** "Waste water specialist trainee" means an individual who has met the requirements of ORS 700.062 and has been issued a registration to practice waste water sanitation under supervision in order to complete the required training, education and work experience under 700.053 for registration as a waste water specialist.

~~(30)~~ **(18)** "Waste water sanitation" means the art and science of applying sanitary, biological and physical science principles in the evaluation of soil for subsurface or surface disposal of waste water or for the land application of sludge; and determining the appropriate design of systems that use soil in the final stage of the waste water treatment processes.

~~(31)~~ **(19)** "Work experience" means performing the duties of an environmental health specialist while in trainee status under the supervision of a registered

environmental health specialist or the equivalent in specific areas of environmental health. Work experience duties include:

- (a) Exercising independent value judgment regarding environmental sanitation in an on site setting;
- (b) Evaluating and approving permits and plans meeting environmental sanitation requirements;
- (c) Issuing waivers and exceptions to existing regulations when warranted by circumstances;
- (d) Providing information and guidance to individuals regarding plans, permits or other documents to ensure approval can be secured when all requirements are met;
- (e) Performing on-location inspections for a determination of compliance.

Stat. Auth.: ORS 676.605, 676.615, 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-010-0010 & 338-020-0020; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-005-0030**

#### **Fees**

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Registration -- environmental health specialist: \$150.

(B) Registration -- waste water specialist: \$150.

(C) Registration by reciprocity: \$200.

(D) Trainee registration -- environmental health specialist: \$150.

(E) Trainee registration -- waste water specialist: \$150.

(b) Examination:

(A) Oregon laws & rules: \$50:

- (B) Written -- environmental health specialist: \$250.
- (C) Written -- waste water specialist: \$250.
- (c) Original issuance of registration (including by reciprocity):
- (A) Environmental health specialist: \$300 **for one year**.
- (B) Waste water specialist: \$300 **for one year**.
- (C) Trainee registration -- environmental health specialist: \$300 **for two years**.
- (D) Trainee registration -- waste water specialist: \$300 **for two years**.
- (d) Renewal of registration:
- (A) Environmental health specialist: \$300 **for one year**.
- (B) Waste water specialist: \$ 300 **for one year**.
- (e) Trainee extension (six month increments):
- (A) Environmental health specialist **trainee**: \$100.
- (B) Waste water specialist **trainee**: \$100.
- (f) Other administrative fees:
- ~~(A) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.~~
- (A) Delinquent (late) renewal of registration: \$50 for each year in expired status up to three years.**
- ~~(B) Restoration of expired registration (payable up to three years of expiration): \$150.~~
- (C) Replacement of registration, including name change: \$25.
- (D) Duplicate registration document: \$25 per copy with maximum of three.
- (E) Affidavit of licensure: \$50.
- (F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

## **(G) Reactivation of registration: \$150**

Stat. Auth.: ORS 676.605, 700.080 & 700.240

Stats. Implemented: ORS 676.605, 700.080 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

## DIVISION 10

### REGISTRATION OF ENVIRONMENTAL HEALTH SPECIALISTS, WASTE WATER SPECIALISTS, AND TRAINEES

338-010-0015

#### Application Requirements

An individual applying for an environmental health or waste water specialist registration must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and registration fees. The applicant must pay examination fees if applicable.
- (3) In addition to requirements listed in subsection (1) and (2) of this rule, and ORS 700.035 and 700.062 an *applicant for trainee registration* must provide documentation of the following:
  - (a) Submit an official transcript as defined in OAR 338-005-0020; and
  - (b) Submit proof of any work experience obtained under ORS 700.025, if activities were directly related to duties listed in ORS 700.010 and 700.056 on a form prescribed by the agency. If the applicant has provided work experience obtained under ORS 700.025 during the trainee registration process, the applicant does not have to resubmit the proof of work experience;
- (4) In addition to requirements listed in subsection (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:
  - (a) Registration Pathway 1 – Completed Supervised Work Experience as a Registered Trainee:
    - (A) Submit official transcript as defined in OAR 338-005-0020. If the applicant has provided official transcripts during the trainee registration process, the official transcripts do not need to be resubmitted;
    - (B) Submit proof of any work experience obtained under ORS 700.025, if activities were directly related to duties listed in ORS 700.010 and 700.056 on a form prescribed by the agency. If the applicant has provided work experience obtained under ORS 700.025 during the trainee registration

process, the applicant does not have to resubmit the proof of work experience;

**(C) Submit proof of any work experience as a *trainee* with required supervision pursuant to ORS 700.035, 700.062 and OAR 338-010-0050 and OAR 338-010-XXX, on a form prescribed by the agency; and**

**(D) Submit proof of having completed and passed a board approved examination within three years of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030.**

**(b) Registration Pathway 2 – Out of State Registration / National Credential:**

**(A) Submit official transcript as defined in OAR 338-005-0020. If the applicant has provided official transcripts during the trainee registration process, the official transcripts do not need to be resubmitted; and**

**(B) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current registration as an environmental health specialist or waste water specialist by a regulatory body of another state or national association recognized by the board. The agency will accept verification directly from NEHA of a passing score as meeting Oregon examination requirements.**

**(c) Registration Pathway 3 - Non-Credentialed:**

**(A) Submit official transcript as defined in OAR 338-005-0020. If the applicant has provided official transcripts during the trainee registration process, the official transcripts do not need to be resubmitted;**

**(B) Submit proof of work experience obtained under ORS 700.025, if activities were directly related to duties listed in ORS 700.010 and 700.056, on a form prescribed by the agency; and**

**(C) Proof of having completed and passed a board approved examination within three years of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030.**

~~(1) Individuals applying for registration to practice environmental sanitation or waste water sanitation must meet requirements of OAR 331-030-0000 and 331-030-0020, in addition to the requirements of this rule, that are applicable to the specific field of practice and qualification pathway for which registration is being sought.~~

~~(2) Applicants must submit a completed application form prescribed by the agency, which shall be accompanied by payment of the appropriate fees. The~~

~~completed application shall contain the information listed in OAR 331-030-0000(5), and include the following:~~

~~(a) Signed and completed "Background Information Fact Sheet" which contains information on educational and work experience;~~

~~(b) Official transcripts from college, university and post graduate records;~~

~~(c) Evidence of prescribed educational and work experience as required by ORS 700.030, 700.053, and OAR 338-010-0025.~~

~~(3) Reciprocity: Applications for registration based on reciprocity as defined in ORS 700.052 and OAR 338-005-0020(20) must meet the requirements listed in subsections (1) and (2) of this rule. Documentation shall include a copy of the current registration and describe the type of examination completed for registration in another state or country.~~

~~(4) All documentation and payment of fees must be complete and received by the agency to be eligible and scheduled to take the examination.~~

Stat. Auth.: ORS 676.605, 700.030, 700.053, 700.240

Stats. Implemented: ORS 676.605, 700.030, 700.053, 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-010-0017**

#### **Application for Registration as a Trainee**

~~(1) Individuals applying for a "trainee" registration to practice environmental health or waste water sanitation must meet the requirements of OAR 331-030-0000, in addition to the requirements of subsection (2) of this rule.~~

~~(2) Applicants must submit a completed application form prescribed by the agency which shall be accompanied by payment of the application and registration fees. The completed application must contain the information listed in OAR 331-030-0000(5), and include evidence of prescribed education, such as official transcripts from college, university and post graduate records, and work experience as required in ORS 700.035, 700.062, or OAR 338-010-0025.~~

~~(3) Persons must hold a valid trainee registration to receive credit for work experience, while employed and performing duties of environmental sanitation or waste water sanitation as defined in OAR 338-005-0020(31).~~

Stat. Auth.: ORS 700.035, 700.062, 700.240

Stats. Implemented: ORS 700.035, 700.062, 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-010-0025**

#### **General Requirements for Registration; Requirements for Reciprocity**

~~(1) Applicants for registration shall submit satisfactory evidence to the Board that they have completed the prescribed education and work experience requirements as listed in one of the following areas:~~

~~(a) Environmental health specialist: ORS 700.030;~~

~~(b) Waste water specialist: ORS 700.053;~~

~~(c) Trainee -- environmental health specialist: ORS 700.035; or~~

~~(d) Trainee -- waste water specialist: ORS 700.062.~~

~~(2) Applicants for registration by reciprocity shall provide evidence satisfactory to the Board that they have passed an examination equivalent to the examination required at the time of application for Oregon registration, and that they have the education and work experience equivalent to that required for an applicant for registration by examination in Oregon.~~

~~(3) Credits will be allowed toward work experience requirements for activities directly related to Environmental Sanitation and Waste Water Sanitation, and which were experienced in the military, industrial, special agency, or other situation, and shall be credited at the rate of one time unit of experience for each time unit of related work provided supervision occurred by a qualified person as determined by the Board.~~

Stat. Auth.: ORS 700.030, 700.035, 700.053, 700.062, 700.240

Stats. Implemented: ORS 700.030, 700.035, 700.053, 700.062, 700.240

Hist.: SRB 2, f. 4-7-72, of. 5-1-72; SRB 1-1985, f. & of. 11-1-85; SRB 2-1996, f. 5-31-96, cert. of. 6-1-96; SRB 1-1998, f. 4-29-98, cert. of. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. of. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. of. 7-1-04

### **338-010-0030**

#### **General Examination Information**

**(1) The board approved examination is the NEHA examination, administered by an approved entity meeting agency requirements.**

**(2) The passing score for the examination is 68 percent or better.**

**(3) An applicant must meet identification requirements listed under OAR 331-030-0000.**

**(3) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.**

**(4) Examination candidates may be electronically monitored during the course of testing.**

**(5) The Board will establish by policy a maximum time allowance for each section of the examination.**

**(6) Taking notes, textbooks, notebooks, electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.**

**(7) Candidates taking the waste water examination may use a calculator during the examination.**

**(8) A candidate may be immediately disqualified during or after the examination for conduct that interferes with the examination. The examination may be invalidated and examination fees may be forfeited. Such conduct includes but is not limited to:**

**(a) Directly or indirectly giving, receiving, soliciting, attempting to give, receive or solicit aid during the examination process;**

**(b) Taking such items including but not limited to items listed in subsection (6) and (7) of this rule into the examination area;**

**(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;**

**(d) Failing to follow directions relative to the conduct of the examination; and**

**(e) Exhibiting behavior that impedes the normal progress of the examination.**

**(9) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination.**

~~(1) Notwithstanding subsection (8) of this rule, the agency will administer an examination to qualified applicants. The agency reserves the right to alter or~~

~~adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants in advance.~~

~~(2) Applicants will qualify for examination upon compliance with all applicable provisions of OAR 338-010-0015, 338-010-0017 and 338-010-0025. Applicants will not be allowed to sit for the examination if documentation is incomplete or incorrect.~~

~~(3) Applicants must present photographic identification, such as a driver's license, and their original Social Security card to the examination proctor.~~

~~(4) In order to qualify for registration, an applicant must receive a passing score of at least 68 percent on the written examination.~~

~~(5) **EXAMINATION CONDUCT:** Examinations are conducted in a designated area with restricted access. Examination conduct differs between an environmental health specialist and a waste water specialist. Authorization for bringing any written material or electronic equipment or devices is subject to approval of the Board. Taking unauthorized items into the examination area may invalidate the examination and result in forfeiture of the examination and fees.~~

~~(6) **EXAMINATION DISQUALIFICATION:** An examination applicant will be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct includes:~~

~~(a) Giving or attempting to give assistance to others in answering questions during the examination;~~

~~(b) Receiving or attempting to receive assistance during the examination, including assistance from other individuals, from notes, books or devices to answer questions;~~

~~(c) Removing or attempting to remove any secure examination-related information, notes, or materials from the examination site;~~

~~(d) Failing to follow directions relative to the conduct of the examination;~~

~~(e) Exhibiting behavior which impedes the normal progress of the examination; and~~

~~(f) Endangering the health or safety of a person involved in the examination.~~

~~(7) Disqualification will invalidate the examination and result in forfeiture of the examination and fees. The applicant will be required to reapply, submit additional examination fees, and request in writing to schedule another examination.~~

~~Reexamination will be scheduled at a date, time and place determined by the Director following the date of disqualification.~~

~~(8) Satisfactory passage of the National Environmental Health Association examination, administered by an approved entity meeting NEHA requirements, will be recognized. The agency will accept verification directly from NEHA of a passing score as meeting Oregon examination requirements.~~

~~(9) Applicants will be responsible for any cost incurred from taking the examination at an alternative location other than an examination conducted at the Health Licensing Office.~~

Stat. Auth.: ORS 676.605, 700.050, 700.059, 700.240

Stats. Implemented: ORS 676.605, 700.050, 700.059, 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2003(Temp), f. & cert. ef. 4-25-03 thru 10-17-03; SRB 2-2003, f. 9-24-03, cert. ef. 10-1-03; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-010-0033**

#### **Examination Retake; Qualification**

Applicants who fail the examination shall have an opportunity for examination retake in accordance with provisions of ORS 700.050(4) and 700.059(4); however, retake of the written examination shall be subject to an approved examination schedule set by the agency and completion of any required additional training as determined by the Board.

Stat. Auth.: ORS 700.050, 700.059, 700.240

Stats. Implemented: ORS 700.050, 700.059, 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-010-0035**

#### **Registration Issuance; Exemption**

~~(1) Pursuant to ORS 700.020, a person shall not practice environmental sanitation or waste water sanitation or claim to be an environmental health specialist or waste water specialist, including that a person shall not display a sign or in any way advertise or purport to be a registrant or to be engaged in the field of environmental sanitation or waste water sanitation, without first obtaining a registration under ORS Chapter 700.~~

~~(2) Registrants are subject to the provisions of OAR 331-030-0010 regarding issuance and renewal of a registration, and to the provisions of 331-030-0020 regarding authorization to practice, identification, and the requirements for issuance of a duplicate authorization.~~

~~(3)~~ Notwithstanding other exemptions listed in ORS 700.025~~(6)~~, registration is not required for persons who provide recommendation or advice to clients, when advice is solely for the purpose of installation of an approved septic tank or cesspool system, and is not related to counseling or consulting in connection with the duties of waste water sanitation as defined in **ORS 700.056**. ~~OAR 338-005-0020(30)~~.

Stat. Auth.: ORS 676.605, 700.100, 700.240

Stats. Implemented: ORS 676.605, 700.100, 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-010-0038**

#### **Registration Issuance and Renewal**

**(1) REGISTRATION AND RENEWAL:** A registrant is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a registration, provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate registration.

**(2) REGISTRATION RENEWAL:** Registration renewal must be made prior to the registration entering inactive status. The registrant must submit the following:

**(a) Renewal application form;**

**(b) Payment of required renewal fee pursuant to 338-005-0030; and**

**(c) Attestation of having obtained required continuing education pursuant to 338-020-0030.**

**(3) INACTIVE REGISTRATION:** Registration renewal made after the registration enters inactive status. A registration may be inactive for up to three years. The registrant must submit the following:

**(a) Renewal application form;**

**(b) Payment of delinquency and registration fees pursuant to OAR 338-005-0030;**

**(c) Attestation of having obtained required continuing education 338-020-0030;**

**(4) EXPIRED REGISTRATION: A registration that has been inactive for more than three years is expired and the registrant must reapply and meet the requirements listed in OAR 338-010-0015.**

**(5) A registrant failing to meet continuing education requirements listed under OAR 338-020-0030 must reapply and meet requirements pursuant to OAR 338-010-0015.**

~~(1) Renewal applications received by the agency or postmarked after a registration has expired, but within one year from the expiration date, may be approved upon payment of the renewal fee and delinquency fees.~~

~~(2) A registration that has been expired for more than one, but less than three years, may be renewed upon payment of the registration renewal fee and a restoration fee.~~

~~(3) All registered environmental health specialists and waste water specialists shall obtain 2.0 credits or 20 contact hours of continuing education training every two years as a condition of renewal, whether registration is current or expired.~~

~~(4) Submission of appropriate continuing education documentation required in OAR 338-020-0050(1) shall be accumulated and held by the registrant until such time as notified of audit by the agency according to provisions of 338-020-0030(3) and 338-020-0050(1) and (2).~~

~~(5) A registrant who fails to renew within three years following the date of expiration, may be granted a registration upon reapplication, payment of registration and/or examination fee(s), and successful completion of examination according to OAR 338-010-0030(4).~~

Stat. Auth.: ORS 676.605, 676.615, 700.100 & 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.100 & 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

## **338-010-0050**

### **Trainee Registration Standards**

~~(1) An environmental health specialist trainee or waste water specialist trainee registration will be issued to individuals when all qualifications **listed under OAR 338-010-0015(3) are met.** have been met and payment of the required fees have been received. The registration will be valid for a period of two years, expiring on the last day of the month two years from the date of issuance. The original two-year trainee registration fee will not be prorated.~~

**(2) A trainee registration is valid for two years and is not renewable. If cumulative hours of work experience total less than 3,840 clock hours the**

agency may grant an extension in 6 months increments based on projected completion of work experience.

**(3) A trainee may take the board prescribed examination for registration as an environmental health specialist or waste water specialist before completion of the required work experience.**

**(4) Persons who hold a trainee registration and have not attained permanent registration or fulfillment of the two year or 3,840 clock hour requirement, may be issued up to two six month extensions of their trainee registration, subject to the following conditions:**

**(a) Trainee was not employed full-time;**

**(b) Trainee submits work experience on a form prescribed by the agency, documenting hours of work experience hours attained while in trainee status;**

**(c) Trainee submits satisfactory evidence that the trainee is or will be working in the field of environmental sanitation and will be under the direct supervision of an Oregon registered environmental health specialist or other person possessing equivalent credentials approved by the Board; and**

**(d) Extension requests must be submitted within six months of the original trainee registration becoming invalid.**

~~(2) The trainee registration will state the registrant's name, address, registration number, expiration date and bear the signature of the registrant.~~

~~(3) The trainee registration will not be extended beyond a two-year period unless the cumulative hours of work experience total less than 3,840 clock hours. In the event the trainee has acquired less than 3,840 clock hours, the registration may be extended for an additional period of time in increments of six months based on projected completion date of work experience. The extension fee will be prorated at \$100 per six-month period.~~

~~(4) The registrant must complete Certificate form and obtain a supervisor's signature, attesting to the following information:~~

~~(a) Trainee name;~~

~~(b) Work location;~~

~~(c) Date(s) work experience started and if applicable, ended;~~

- ~~(d) Total hours of work experience recorded as of the date of certification;~~
- ~~(e) Disclosure as to whether the work experience is based on full time or part time employment~~
- ~~(f) Activity performed and clock hours recorded for work experience per activity.~~
- ~~(5) Holding a trainee registration does not prevent a registrant from taking the board prescribed examination for registration as an environmental health specialist or waste water specialist before completion of the required work experience. The trainee must satisfactorily complete prescribed work experience and the written examination within the two-year registration period or within a 3,840 total clock hour limitation.~~
- ~~(6) All registered trainees shall obtain 1.0 credits or 10 contact hours of continuing education training every year as a condition of holding the registration.~~
- ~~(7) Persons who previously held a trainee registration, which expired without attainment of permanent registration or fulfillment of the two year or 3,840 clock hour limitation, may be issued an extension to their trainee registration subject to the following conditions:~~
- ~~(a) Submission of the Certification of Work Experience form documenting previous hours of work experience attained while in trainee status;~~
- ~~(b) Submission of satisfactory evidence that the trainee is or will be working in the field of environmental sanitation and will be under the direct supervision of an Oregon registered environmental health specialist or other person possessing equivalent credentials approved by the Board;~~
- ~~(c) Submission of continuing education required in subsection (6) of this rule and in accordance with provisions of OAR 338-020-0030. Documentation must meet the requirements of 338-020-0050(3).~~
- ~~(8) The trainee registration issued will be valid only for the remaining period of time from those hours previously accumulated for a maximum cumulative total of two years or 3,840 clock hours.~~
- ~~(9) Trainees who fail to meet requirements of subsection (7)(a) through (c) will not be eligible for a registration extension until all qualifications have been met.~~
- ~~(10) An individual who holds a trainee registration that has been expired for more than three years, and who has not yet completed the 3,840 required hours of training, will be required to reapply and meet all registration requirements in accordance with ORS 700.100(4). Trainee registrations that are extended under~~

~~this rule will only be valid for the time remaining to complete an aggregate 3,840 hours of training or six months, whichever occurs first.~~

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

## **OAR 338-010-XXX**

### **Supervisor Qualifications**

**(1) For the purpose of supervision as it applies to work experience of an environmental health specialist trainee a supervisor must hold a current active environmental health specialist registration in good standing;**

**(2) For the purpose of supervision as it applies to work experience of a waste water specialist trainee a supervisor must possess one of the following qualifications:**

**(a) Active waste water specialist registration in good standing;**

**(b) Active registered environmental health specialist in good standing**

**(3) The board will consider other individuals to be qualified as a supervisor not listed in subsection (1) or (2) of this section if the individual submits documentation possessing equal qualifications and background in duties pursuant to ORS 700.010 or 700.056.**

## DIVISION 20

### CONTINUING EDUCATION FOR ENVIRONMENTAL HEALTH SPECIALISTS, WASTE WATER SPECIALISTS, AND TRAINEES

#### **338-020-0000**

##### **Continued Competency**

~~(1) To ensure continuing efforts on the part of Oregon environmental health specialists, waste water specialists, and trainees to remain current with new developments in environmental sanitation and waste water sanitation and to encourage diversified training and qualifications in the profession continuing education is required as a condition of registration.~~

~~(2) Continuing education requirements apply whether the renewal applicant is living or working within Oregon or outside of the state so long as Oregon registration is maintained.~~

Stat. Auth.: ORS 700.105

State Implemented: ORS 700.105

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-020-0010; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

#### **338-020-0030**

##### **Continuing Education Requirements**

(1) To maintain registration, environmental health specialists and waste water specialists must complete 2.0 credits or 20 ~~contact~~ hours every two years. Hours in excess of those required for the two-year reporting period shall not be carried forward and applied toward the succeeding two-year CEU renewal requirements.

(2) Each registrant shall report compliance with the continuing education requirement through attestation on the registration renewal document. Registrants are subject to provisions of OAR 338-020-0050 pertaining to periodic audit of continuing education.

(3) Continuing education shall be approved for participation or attendance at an approved instructional program presented, recognized, or under the auspices of any institution, agency, professional organization or association, which conducts educational meetings, workshops, symposiums, seminars and other such activities where CEU credit is offered.

(4) Continuing education shall address subject matter related to Environmental Sanitation in accordance with ORS 700.010(6) and (9) and OAR 338-005-0020(10) and (24), or Waste Water Sanitation in accordance with ORS 700.010(11), 700.056 and OAR 338-005-0020(25) and (30).

(5) CEU credit will be awarded for ~~contact~~ hours per unit and will be based on the following criteria:

(a) Completion of established courses taken from a recognized college or university at the same rate of credit established by that institution;

(b) Professional courses which meet academic requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1 CEU for each ten ~~contact~~ hours of attendance.

(6) To ensure adequate proof of continuing education course completion is available for audit or investigation by the **Oregon Health Licensing Office Agency**, practitioners shall maintain a record of attendance for two years following renewal.

Stat. Auth.: ORS 676.605, 700.105, 700.240

Stats. Implemented: ORS 676.605, 700.105, 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

### **338-020-0050**

#### **Continuing Education: Audit, Required Documentation and Sanctions**

(1) The **Oregon Health Licensing Office Agency** will audit a select percentage of registrations determined by the Board to verify compliance with continuing education requirements.

(2) Registrants notified of selection for audit of continuing education attestation shall submit to the agency within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 338-020-0030.

~~(3) Documentation of attendance at a program or course provided by the sponsor must include:~~

~~(a) Name of sponsoring institution/association or organization;~~

~~(b) Title of presentation and description of content;~~

~~(c) Name of instructor or presenter;~~

~~(d) Date of attendance, duration in hours, or CEU credit;~~

~~(e) Course agenda;~~

~~(f) Official transcript, diploma, certificate, statement or affidavit from the sponsor, attesting to attendance.~~

~~(4) If documentation of continuing education is invalid or incomplete, the registrant must correct the deficiency within 30 calendar days from the date of notice. Failure to correct the deficiency within the prescribed time shall constitute grounds for disciplinary action.~~

~~(5) Misrepresentation of continuing education, or failing to meet continuing education requirements or documentation may result in disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the registration.~~

**(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:**

**(a) Certificate of completion, official transcript, statement or affidavit from the sponsor attesting to attendance or other documentation approved by the agency.**

**(b) Name of sponsoring institution/association or organization;**

**(c) Title of presentation and description of content;**

**(d) Name of instructor or presenter;**

**(e) Date of attendance and duration in hours; and**

**(f) Course agenda.**

**(4) If documentation of continuing education is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.**

**(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the registration.**

Stat. Auth.: ORS 676.605, 700.105, 700.240

Stats. Implemented: ORS 676.605, 700.105, 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-020-0110; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

## **338-020-0060**

### **Continuing Education Credit Criteria**

CEU's will be awarded for contact hours per unit and will be based on the following criteria:

(1) CEU credit will be awarded for established courses taken from a recognized college or university at the same rate of credit established by that institution.

(2) Professional courses which meet academic requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(3) Courses which do not meet standards as set forth in subsection (1) and (2) of this section, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of one (1) CEU for each ten hours of attendance.

Stat. Auth.: ORS 700.105

Stats. Implemented: ORS 700.105

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-020-0110

## DIVISION 30

### DISCIPLINE AND ENFORCEMENT

#### 338-030-0020

##### **Investigative Authority**

The **Oregon Health Licensing Office Agency** may initiate and conduct investigations of matters relating to the practice of environmental health, pursuant to ORS 676.608, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 700.111.

Stat. Auth.: ORS 676.605, 676.615, 700.111, 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.111, 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

# OREGON HEALTH LICENSING AGENCY



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## Environmental Health Registration Board

Athletic Trainers  
Barbers  
Body Piercing  
Technicians  
Denturists  
Direct Entry  
Midwives  
Electrologists  
Environmental  
Health Specialists  
Estheticians  
Hair Designers  
Hearing Aid  
Specialists  
Nail Technicians  
Nursing Home  
Administrators  
Permanent Color  
Technicians  
Respiratory  
Therapists  
Sex Offender  
Therapists  
Tattoo Artists  
Waste Water  
Specialists

Board of Athletic  
Trainers  
Board of  
Cosmetology  
Board of Direct Entry  
Midwifery  
Board of Denture  
Technology  
Environmental  
Health Registration  
Board  
Nursing Home  
Administrators Board  
Respiratory  
Therapist Licensing  
Board  
Sex Offender  
Treatment Board  
Advisory Council on  
Hearing Aids  
Advisory Council for  
Electrologists,  
Permanent Color  
Technicians & Tattoo  
Artists

### ***Administrative Rulemaking Schedule***

November 5, 2010	Board Meeting approve rulemaking schedule
January 7, 2011	Legislation & Rule Committee – 9 am Review rules and fiscal impact
January 11, 2011	Examination Committee
January 21, 2011	Legislation & Rules Committee – 9 am Review rules and fiscal impact
February 4, 2011	Board meeting recommending proposed administrative rules to agency – 9am
March 1, 2011	Notice of Proposed Rulemaking published in Oregon Bulletin
March 1, 2011	Temporary Administrative Rules effective – annual registration
March 28, 2011	Last day for public comment
March 28, 2011	Tentative Rulemaking Schedule
May 6, 2011	Board meeting to recommend permanent adoption of administrative rules to agency.
June 1, 2011	Permanent Administrative rules effective
September 1, 2011	Temporary Rule Expires

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# Public Comment



# House Bill 2144

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Health Licensing Agency)

## SUMMARY

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

Modifies provisions relating to Oregon Health Licensing Agency and boards, councils and programs administered by agency.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Health Licensing Agency; creating new provisions; amending ORS 345.010,  
3 345.400, 345.440, 345.450, 348.290, 675.370, 675.375, 675.380, 675.385, 676.607, 676.608, 676.612,  
4 676.615, 676.617, 676.625, 678.730, 678.740, 678.770, 678.820, 680.505, 680.527, 687.410, 687.420,  
5 687.425, 687.470, 688.718, 688.720, 688.730, 688.805, 688.815, 690.005, 690.015, 690.046, 690.047,  
6 690.123, 690.155, 690.165, 690.167, 690.355, 690.360, 690.365, 690.380, 690.507, 690.510, 690.520,  
7 694.025, 694.055, 694.155, 694.165 and 700.025; and repealing ORS 345.430, 675.405, 678.760,  
8 678.775, 680.525, 680.530, 687.435, 688.724, 688.728, 688.834, 690.085, 690.095, 690.235, 690.385,  
9 690.415, 690.550, 694.125, 694.185, 700.080 and 700.100.

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

## GENERAL PROVISIONS

11  
12  
13  
14 **SECTION 1.** Sections 2 to 5 of this 2011 Act are added to and made a part of ORS 676.605  
15 to 676.625.

16 **SECTION 2.** As used in ORS 676.605 to 676.625:

17 (1) "Active authorization" means an authorization that is current and not suspended.

18 (2) "Authorization" means a certificate, license, permit or registration issued by the  
19 Oregon Health Licensing Agency that allows a person to practice one of the occupations or  
20 professions or maintain a facility subject to the authority of the boards, councils and pro-  
21 grams listed in ORS 676.606.

22 (3) "Expired authorization" means an authorization that has been not current for more  
23 than three years.

24 (4) "Inactive authorization" means an authorization that has been not current for three  
25 years or less.

26 **SECTION 3.** (1) Except as provided in subsection (2) or (7) of this section, an authori-  
27 zation issued by the Oregon Health Licensing Agency becomes not current on the last day  
28 of the month, one year from the date of issuance.

29 (2) A certificate issued under ORS 690.005 to 690.235 becomes not current on the last day  
30 of the month, two years from the date of issuance.

31 (3) In order to renew an authorization, the holder of the authorization shall submit to

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

1 the agency on or before the date on which the authorization becomes not current:

2 (a) A renewal application;

3 (b) Fees established by the agency under section 4 of this 2011 Act; and

4 (c) Any other information required by the agency by rule.

5 (4) In order to activate an inactive authorization, the holder of the authorization shall  
6 submit to the agency within three years after the authorization becomes not current:

7 (a) An activation application;

8 (b) Fees established by the agency under section 4 of this 2011 Act; and

9 (c) Any other information required by the agency by rule.

10 (5) In order to obtain a new authorization, the holder of an expired authorization shall  
11 submit a new application, pay fees established by the agency under section 4 of this 2011 Act  
12 and meet all requirements for a new authorization.

13 (6) If an authorization has been denied, suspended or revoked for commission of a pro-  
14 hibited act under ORS 676.612, the agency may not issue or renew the authorization for at  
15 least one year after the denial, suspension or revocation.

16 (7) The agency may vary the date on which an authorization becomes not current by  
17 providing the holder with written notice of the new date and prorating the renewal fee ac-  
18 cordingly.

19 (8)(a) An authorization must be posted at all times in public view at the location where  
20 services are rendered, in accordance with rules adopted by the agency.

21 (b) A facility authorization must be posted at all times in public view at the facility ad-  
22 dress on file with the agency.

23 (9) This section does not apply to temporary or demonstration authorizations issued by  
24 the agency.

25 **SECTION 4.** (1) The Oregon Health Licensing Agency shall establish by rule and collect  
26 fees for the following:

27 (a) Application for authorization;

28 (b) Original authorization;

29 (c) Renewal of authorization;

30 (d) Examination;

31 (e) Demonstration authorization;

32 (f) Temporary or provisional authorization;

33 (g) Replacement authorization;

34 (h) Late renewal of authorization;

35 (i) Reciprocity;

36 (j) Freelance authorization;

37 (k) Renewal of dormant authorization;

38 (L) Activation of inactive authorization;

39 (m) Verification of authorization;

40 (n) Duplicate authorization;

41 (o) Education or training provided by the agency; and

42 (p) Providing copies of official documentation or records and for recovering administra-  
43 tive costs associated with compiling, photocopying, preparing and delivering the documenta-  
44 tion or records.

45 (2) All moneys collected by the agency under this section shall be paid into the General

1 **Fund of the State Treasury and credited to the Oregon Health Licensing Agency Account**  
 2 **established under ORS 676.625.**

3 **SECTION 5.** (1) As used in this section, “career school” has the meaning given that term  
 4 in ORS 345.010.

5 (2) In exercising its powers and performing its duties under ORS 676.605 to 676.625 and  
 6 676.992, the Oregon Health Licensing Agency may provide administrative services for career  
 7 schools preparing students to hold an authorization in one of the occupations or professions  
 8 regulated by the agency. The services may include, but need not be limited to, inspections  
 9 of school, student and financial records.

10 (3) The agency shall enter into a written agreement with the Department of Education  
 11 or the Employment Department before providing administrative services to a career school  
 12 as described in this section.

13 **SECTION 6.** ORS 676.607 is amended to read:

14 676.607. (1) The Oregon Health Licensing Agency is responsible for the administration and reg-  
 15 ulatory oversight of the boards, councils and programs listed in ORS 676.606. The responsibilities  
 16 of the agency include, but are not limited to:

17 (a) Budgeting;

18 (b) Record keeping;

19 (c) Staffing;

20 (d) Contracting;

21 (e) Consumer protection and investigating complaints;

22 (f) [*Approving*] **Establishing** and collecting fees;

23 (g) Establishing and administering uniform application processes for the issuance of [*certificates,*  
 24 *licenses, permits and registrations*] **authorizations**;

25 (h) Issuing and renewing [*certificates, licenses, permits and registrations*] **authorizations**;

26 (i) Conditioning, limiting, suspending, revoking or refusing to issue or renew [*a certificate, li-*  
 27 *cence, permit or registration*] **an authorization** or otherwise disciplining [*applicants, certificate hold-*  
 28 *ers, licensees, permit holders and registration*] **authorization** holders;

29 (j) Sanctioning any examination service provider, interpreter or proctor who is under contract  
 30 or agreement with the agency and who compromises the security, confidentiality or integrity of ex-  
 31 aminations developed or conducted pursuant to the statutory authority of the boards and councils  
 32 listed in ORS 676.606;

33 (k) Enforcing all administrative rules adopted under any statute the agency is charged with  
 34 enforcing, including board, council and program administrative rules establishing professional code  
 35 of conduct and practice standards, continuing education requirements, the scope of professional  
 36 practice and requirements for obtaining informed consent before providing certain services or per-  
 37 forming any procedure on clients;

38 (L) Preparing, tracking and reporting agency performance measures;

39 (m) Implementing regulatory streamlining initiatives to reduce regulatory burdens without com-  
 40 promising regulatory standards;

41 (n) Preparing and circulating printed and electronic materials for educating or otherwise as-  
 42 sisting [*applicants, certificate holders, licensees, permit holders and registration*] **authorization** hold-  
 43 ers and the public;

44 (o) Adopting rules for the issuance of waivers or provisional authorizations to practice, and es-  
 45 tablishing special conditions of practice, during a state of emergency declared by the Governor un-

1 der ORS 401.165;

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

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

7 (2) The enumeration of duties, functions and powers in subsection (1) of this section is not in-  
 8 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the  
 9 agency by other statutes.

10 **SECTION 7.** ORS 676.608 is amended to read:

11 676.608. (1) As used in this section,[:]

12 [(a) "Holder" means a person who holds a certificate, license, permit or registration to practice is-  
 13 sued by the Oregon Health Licensing Agency.]

14 [(b)] "public entity" has the meaning given that term in ORS 676.177.

15 (2)(a) The agency shall carry out all investigatory duties **relating to the boards, councils and**  
 16 **programs listed in ORS 676.606.**

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

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

22 (3) While conducting an investigation authorized under subsection (2) of this section or a hear-  
 23 ing related to an investigation, the agency may:

24 (a) Take evidence;

25 (b) Administer oaths;

26 (c) Take the depositions of witnesses, including the person charged;

27 (d) Compel the appearance of witnesses, including the person charged;

28 (e) Require answers to interrogatories;

29 (f) Compel the production of books, papers, accounts, documents and testimony pertaining to the  
 30 matter under investigation; and

31 (g) Conduct criminal and civil background checks to determine conviction of a crime that bears  
 32 a demonstrable relationship to the field of practice.

33 (4) In exercising its authority under this section, the agency may issue subpoenas over the sig-  
 34 nature of the Director of the Oregon Health Licensing Agency or designated employee thereof and  
 35 in the name of the State of Oregon.

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

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

45 (7) In all investigations and hearings, the agency and any person affected [thereby] **by the in-**

1 **vestigation or hearing** may have the benefit of counsel.

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

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

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

17 (11) This section does not prohibit examination or questioning of [a] **an authorization** holder  
 18 regarding records about the **authorization** holder's care and treatment of a patient or affect the  
 19 admissibility of those records.

20 **SECTION 8.** ORS 676.612 is amended to read:

21 676.612. (1) In the manner prescribed in ORS chapter 183 for contested cases and as specified  
 22 in ORS 675.385, 678.780, 680.535, 687.445, 688.734, 688.836, 690.167, 690.407, 690.515, 694.147 and  
 23 700.111, the Oregon Health Licensing Agency may refuse to issue or renew, may suspend or revoke  
 24 or may otherwise condition or limit [a *certificate, license, permit or registration to practice issued by*  
 25 *the agency*] **an authorization** or may discipline or place on probation [a *holder of a certificate, li-*  
 26 *cence, permit or registration*] **an authorization holder** for commission of the prohibited acts listed  
 27 in subsection (2) of this section.

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

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

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

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

39 (d) Practicing under a false, misleading or deceptive name, or impersonating another [*certificate,*  
 40 *license, permit or registration*] **authorization** holder.

41 (e) Permitting a person other than the [*certificate, license, permit or registration*] **authorization**  
 42 holder to use the [*certificate, license, permit or registration*] **authorization**.

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

1 (g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing  
 2 substances, or engaging in the illegal use of controlled substances or other skill-impairing sub-  
 3 stances so as to create a risk of harm to the person or property of others in the course of per-  
 4 forming the duties of [a] **an authorization** holder [of a *certificate, license, permit or registration*].

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

6 (i) Employing, directly or indirectly, any [*suspended, uncertified, unlicensed or unregistered*] per-  
 7 son to practice a regulated occupation or profession subject to the authority of the boards, councils  
 8 and programs listed in ORS 676.606 **if the person does not hold an authorization to practice the**  
 9 **occupation or profession.**

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

14 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-  
 15 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the  
 16 conviction. A plea of no contest or an admission of guilt [*shall be considered*] **is** a conviction for  
 17 purposes of this paragraph.

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

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

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

27 (o) Failing to cooperate with the agency in any investigation, inspection or request for infor-  
 28 mation.

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

32 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated  
 33 occupation or profession subject to the authority of the boards, councils and programs listed in ORS  
 34 676.606, or aiding or abetting such an act.

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

37 (3) For the purpose of requesting a state or nationwide criminal records check under ORS  
 38 181.534, the agency may require the fingerprints of a person who is:

39 (a) Applying for [*a certificate, license, permit or registration that is issued by the agency*] **an au-**  
 40 **thorization;**

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

43 (c) Under investigation by the agency.

44 (4) If the agency places [a] **an authorization** holder [of a *certificate, license, permit or registra-*  
 45 *tion*] on probation under subsection (1) of this section, the agency, in consultation with the appro-

1 puate board, council or program, may determine and at any time modify the conditions of the  
 2 probation.

3 (5) If [a certificate, license, permit or registration] an **authorization** is suspended, the **authori-**  
 4 **zation** holder may not practice during the term of suspension. Upon the expiration of the term of  
 5 suspension, the [certificate, license, permit or registration] **authorization** may be reinstated by the  
 6 agency if the conditions of suspension no longer exist and the **authorization** holder has satisfied  
 7 all requirements in the relevant statutes or administrative rules for issuance[, or renewal [or rein-  
 8 statement].

9 **SECTION 9.** ORS 676.615 is amended to read:

10 676.615. (1) In accordance with applicable provisions of ORS chapter 183, the Director of the  
 11 Oregon Health Licensing Agency may adopt rules necessary for the administration of the laws that  
 12 the Oregon Health Licensing Agency is charged with administering.

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

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

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

23 **SECTION 10.** ORS 676.617 is amended to read:

24 676.617. (1) As used in this section, "single facility license" means a license to provide services  
 25 in a single location in more than one of the following practice areas:

26 (a) Barbering, esthetics, hair design, [or] nail technology **or cosmetology**, as provided in ORS  
 27 690.005 to 690.235;

28 (b) Electrolysis, as provided in ORS 690.350 to 690.430;

29 (c) Permanent coloring, as provided in ORS 690.350 to 690.430;

30 (d) Tattooing, as provided in ORS 690.350 to 690.430; and

31 (e) Body piercing, as provided in ORS 690.500 to 690.550.

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

33 (a) Owns the facility to be licensed;

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

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

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

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

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

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

45 [(4) The agency shall establish by rule and collect fees associated with single facility licenses. Fees

1 shall be established for:]

2 [(a) Application;]

3 [(b) Original license;]

4 [(c) License renewal;]

5 [(d) Delinquent renewal;]

6 [(e) Replacement license; and]

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

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

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

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

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

15 [(7) The agency may suspend, condition, limit, revoke or refuse to issue or renew a single facility  
16 license, or may place on probation or otherwise discipline a single facility license holder, for the rea-  
17 sons specified in ORS 676.612, 690.167, 690.407 or 690.515 or for failure to comply with subsection (6)  
18 of this section.]

19 **SECTION 11.** ORS 676.625 is amended to read:

20 676.625. (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees  
21 and charges to carry out the agency's responsibilities under ORS 676.605 to 676.625 and 676.992 and  
22 any responsibility imposed on the agency pertaining to the boards, councils and programs adminis-  
23 tered and regulated by the agency pursuant to ORS 676.606.

24 (2) The Oregon Health Licensing Agency Account is established in the General Fund of the  
25 State Treasury. The account shall consist of the moneys credited to the account by the Legislative  
26 Assembly. All moneys in the account are appropriated continuously to and shall be used by the  
27 Oregon Health Licensing Agency for payment of expenses of the agency in carrying out the duties,  
28 functions and obligations of the agency, and for payment of the expenses of the boards, councils and  
29 programs administered and regulated by the agency pursuant to ORS 676.606. The agency shall keep  
30 a record of all moneys credited to the account and report the source from which the moneys are  
31 derived and the activity of each board, council or program that generated the moneys.

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

37 (4) All moneys credited to the account pursuant to *[ORS 675.405, 676.617, 680.525, 687.435,*  
38 *688.728, 688.834, 690.235, 690.415, 690.550, 694.185 and 700.080,]* **section 4 of this 2011 Act** and  
39 moneys credited to the account from other agency and program fees established by the agency by  
40 rule[,] are continuously appropriated to the agency for carrying out the duties, functions and powers  
41 of the agency under ORS 676.605 to 676.625 and 676.992.

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

## NURSING HOME ADMINISTRATORS

**SECTION 12.** ORS 678.730 is amended to read:

678.730. (1) An individual qualifies for licensure as a nursing home administrator if the individual:

*[(a) Meets the education, training and other standards established by rules of the Nursing Home Administrators Board. The board shall establish standards that accept one year of experience as an administrator serving a dual facility in lieu of any residency or intern requirement that may be established by the board; and]*

**(a) Has a baccalaureate degree from an accredited school of higher education;**

**(b) Has passed an examination as provided in ORS 678.740[.]; and**

**(c) Has completed training requirements established by the Nursing Home Administrators Board by rule.**

*[(2) A license holder may renew a license as provided by ORS 678.760. The board may require up to 50 hours of continuing education in any one-year period for a renewed license.]*

*[(3) In establishing educational standards pursuant to subsection (1)(a) of this section, the board shall require a baccalaureate degree from an accredited school of higher education. However, the educational requirement does not apply to any person who:]*

*[(a) Was a licensed administrator in any jurisdiction of the United States prior to January 1, 1983; or]*

*[(b) Was an administrator of a dual facility meeting the experience requirements pursuant to subsection (1)(a) of this section.]*

**(2) The requirement that an individual have a baccalaureate degree under subsection (1)(a) of this section does not apply to a person who was licensed as a nursing home administrator in any state or territory of the United States before January 1, 1983.**

**(3) The training requirements established under subsection (1)(c) of this section do not apply to a person who has at least one year of experience as an administrator of a dual facility.**

**(4) Notwithstanding the requirements established under subsection (1) of this section, upon the request of the governing body of a hospital, as defined in ORS 442.015, the board shall adopt standards by rule that deem a health care administrator to have met the requirements for licensure as a nursing home administrator if the health care administrator possesses an advanced degree in management and has at least 10 years of experience in health care management.**

**SECTION 13.** 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 **shall establish the fee for examination or reexamination** under *[ORS 678.775]* **section 4 of this 2011 Act.**

(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 14.** 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

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

5 (2) Each applicant under this section shall pay to the Oregon Health Licensing Agency at the  
6 time of filing the application a fee determined by the agency under [ORS 678.775] **section 4 of this**  
7 **2011 Act.**

8 **SECTION 15.** ORS 678.820 is amended to read:

9 678.820. (1) The Nursing Home Administrators Board is responsible for advising the Oregon  
10 Health Licensing Agency in all matters relating to the administration of ORS 678.710 to 678.820,  
11 including:

12 (a) Developing standards for education and training;

13 (b) Developing standards of practice and professional conduct;

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

16 (d) Preparing or approving the examinations required under ORS 678.710 to 678.820, in accord-  
17 ance with standards provided by the agency; [and]

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

19 **(f) Establishing continuing education requirements for renewal of a license.**

20 (2) The Oregon Health Licensing Agency shall administer ORS 678.710 to 678.820 by:

21 (a) Determining the qualifications and fitness of applicants for licenses, renewed licenses, re-  
22 ciprocals licenses and provisional licenses under ORS 678.710 to 678.820.

23 (b) Examining, approving, issuing, denying, revoking, suspending and renewing licenses to prac-  
24 tice as a nursing home administrator.

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

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

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

30 (f) Establishing and collecting fees and charges to carry out the agency's duties under ORS  
31 678.710 to 678.820.

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

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

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

37  
38 **DENTURE TECHNOLOGISTS**

39  
40 **SECTION 16.** ORS 680.505 is amended to read:

41 680.505. Unless the person holds [a valid] **an active** license issued under ORS 680.500 to 680.565,  
42 a person [shall] **may** not:

43 (1) Engage, or offer to engage, in the practice of denture technology; or

44 (2) Use in connection with the name of the person the word "denturist" or any other words,  
45 letters or abbreviations or insignia tending to indicate that such person is engaged in the practice

1 of denture technology.

2 **SECTION 17.** ORS 680.527 is amended to read:

3 680.527. The Oregon Health Licensing Agency may issue a license to practice denture technol-  
4 ogy, without examination, to any person who:

5 (1) Submits an application and pays the fees required under [ORS 680.525] **section 4 of this 2011**  
6 **Act;**

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

8 (3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada  
9 or a territory of the United States, and the standards for licensing of denturists in the licensing  
10 jurisdiction are determined by the agency to be substantially equivalent to those of ORS 680.500 to  
11 680.565;

12 (4) Has passed a written and practical examination that the agency determines to be substan-  
13 tially equivalent to the examination required for licensure in this state; and

14 (5) Has engaged in the full-time active practice of denture technology as a licensed denturist in  
15 another jurisdiction for a minimum of two years immediately preceding the date of application for  
16 licensure under this section.

17

18 **DIRECT ENTRY MIDWIVES**

19

20 **SECTION 18.** ORS 687.410 is amended to read:

21 687.410. [No] A person [shall] **may not** use the title “licensed direct entry midwife,” any ab-  
22 breviation thereof or the initials “L.D.M.” unless the person possesses [a valid] **an active** license  
23 issued under ORS 687.405 to 687.495.

24 **SECTION 19.** ORS 687.420 is amended to read:

25 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifica-  
26 tions for the licensure of direct entry midwives. Such standards shall include:

27 (a) Sufficient knowledge in the following areas:

28 (A) Techniques in taking patient histories;

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

30 (C) Appropriate use of diagnostic testing;

31 (D) Necessity for referral;

32 (E) Pathology in childbirth;

33 (F) Mechanisms of labor;

34 (G) Aseptic techniques;

35 (H) Postpartum care;

36 (I) Examinations of newborn infants; and

37 (J) Family planning;

38 (b) Successful passage of written and oral examinations;

39 (c) Participation in:

40 (A) 25 assisted deliveries;

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

42 (C) 100 prenatal care visits;

43 (D) 25 newborn examinations; and

44 (E) 40 postnatal examinations;

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

1 (e) A written plan for emergency transport.

2 (2) Any person who desires to become licensed as a direct entry midwife shall submit an appli-  
 3 cation to the Oregon Health Licensing Agency stating the applicant's qualifications for licensure.  
 4 If the applicant meets the standards established under subsection (1) of this section and the appli-  
 5 cant is not disqualified from licensure under ORS 676.612, the agency shall issue an annual license  
 6 to the direct entry midwife. The agency shall impose a fee for licensure and examination [*in the*  
 7 *amount established pursuant to ORS 687.435*] **under section 4 of this 2011 Act.**

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

11 **SECTION 20.** ORS 687.425 is amended to read:

12 687.425. (1) [*Except as provided in subsection (2) of this section, a license issued by the Oregon*  
 13 *Health Licensing Agency for a direct entry midwife expires after one year.*] The **Oregon Health Li-**  
 14 **censing Agency** shall renew a **direct entry midwife** license upon:

15 (a) **Satisfaction of the requirements of section 3 of this 2011 Act;**

16 (b) Receipt of [*the renewal application and fee and*] proof of current cardiopulmonary resusci-  
 17 tation certification for infants and adults[. *The applicant must be in compliance with the rules adopted*  
 18 *by the State Board of Direct Entry Midwifery and the agency.*]; **and**

19 (c) **Satisfaction of the requirements for renewal prescribed by the State Board of Direct**  
 20 **Entry Midwifery under subsections (2) and (3) of this section.**

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

24 [(3)] (2) The board shall prescribe requirements for license renewal including, but not limited to,  
 25 continuing education that must include training in use of legend drugs and devices. [*In addition to*  
 26 *continuing education requirements,*]

27 (3) **The board shall require** a midwife who has attended fewer than five births in the previous  
 28 year [*shall be required*] to take an additional 10 hours of continuing education as prescribed by the  
 29 board. [*All licensing requirements shall be approved by the board by rule.*]

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

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

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

37 **SECTION 21.** ORS 687.470 is amended to read:

38 687.470. (1) There is established within the Oregon Health Licensing Agency the State Board  
 39 of Direct Entry Midwifery. The board consists of [*eight*] **seven** members appointed by the Governor  
 40 and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All  
 41 members of the board must be residents of this state. Of the members of the board:

42 (a) Four must be licensed direct entry midwives.

43 (b) [*Two*] **One** must be a certified nurse [*midwives*] **midwife.**

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

- 1 (d) One must be a member of the public.
- 2 (2)(a) Board members required to be licensed direct entry midwives may be selected by the
- 3 Governor from a list of three to five nominees for each vacancy, submitted by a professional or-
- 4 ganization representing direct entry midwives.
- 5 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
- 6 tation on the board according to:
  - 7 (A) Geographic areas of this state; and
  - 8 (B) Ethnic group.
- 9 (3)(a) The term of office of each member is three years, but a member serves at the pleasure of
- 10 the Governor. The terms must be staggered so that no more than three terms end each year. Va-
- 11 cancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold
- 12 the member's office until the appointment and qualification of a successor. A member is eligible for
- 13 reappointment. If a person serves two consecutive full terms, a period of at least three years must
- 14 elapse before the person is again eligible for appointment to serve on the board.
- 15 (b) A board member shall be removed immediately from the board if, during the member's term,
- 16 the member:
  - 17 (A) Is not a resident of this state;
  - 18 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
  - 19 cused; or
  - 20 (C) Is not a licensed direct entry midwife or a retired direct entry midwife who was a licensed
  - 21 direct entry midwife in good standing at the time of retirement, if the board member was appointed
  - 22 to serve on the board as a direct entry midwife.
- 23 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.
- 24 The agency may provide by rule for compensation to board members for the performance of official
- 25 duties at a rate that is greater than the rate provided in ORS 292.495.

26  
27 **ATHLETIC TRAINERS**  
28

29 **SECTION 22.** ORS 688.718 is amended to read:

- 30 688.718. (1) A person may not practice athletic training or claim to be a registered athletic
- 31 trainer unless the person is registered under ORS 688.720.
- 32 (2) Nothing in ORS 688.701 to 688.734 is intended to:
  - 33 (a) Limit, preclude or otherwise interfere with the practices of health care providers or other
  - 34 persons licensed or registered in this state under any other statutes, or prevent health care pro-
  - 35 viders or other persons from engaging in the profession or occupation for which the health care
  - 36 provider or person is licensed or registered;
  - 37 (b) Prevent any person from practicing athletic training if the person is employed as an athletic
  - 38 trainer by the federal government or any of its agencies;
  - 39 (c) Preclude any person from pursuing a supervised course of study leading to a degree or reg-
  - 40 istration as an athletic trainer in an accredited or approved educational program if the person is
  - 41 identified by a title that clearly indicates student or trainee status;
  - 42 (d) Prevent any person from completing any supervised practical experience requirements es-
  - 43 tablished by the Board of Athletic Trainers by rule; or
  - 44 (e) Prohibit any person from performing athletic training services in this state for purposes of
  - 45 continuing education, consulting or training if the services are performed for no more than 60 days

1 in any calendar year and are performed in association with a registered athletic trainer if the per-  
2 son is:

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

4 (B) Certified by and in good standing as an athletic trainer with *[the National Athletic Trainers*  
5 *Association]* **a board of certification for athletic trainers approved by the Board of Athletic**  
6 **Trainers.**

7 (3) Nothing in ORS 688.701 to 688.734 shall be construed to require registration of elementary  
8 or secondary school teachers, coaches or volunteers who do not hold themselves out to the public  
9 to be athletic trainers.

10 **SECTION 23.** ORS 688.720 is amended to read:

11 688.720. An applicant for registration as an athletic trainer under ORS 688.701 to 688.734 shall  
12 be issued a registration if the applicant has:

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

16 (2) Successfully completed *[the]* a certification examination administered by *[the National Ath-*  
17 *letic Trainers Association]* **a board of certification [or equivalent examination] for athletic trainers**  
18 approved *[or recognized]* by the Board of Athletic Trainers;

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

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

23 (5) Paid all fees required for registration.

24 **SECTION 24.** ORS 688.730 is amended to read:

25 688.730. (1) A person who is a registered athletic trainer under ORS 688.701 to 688.734 may use  
26 the title "Athletic Trainer, Registered" and the abbreviation "ATR."

27 (2) A person who is a registered athletic trainer under ORS 688.701 to 688.734 and who is cer-  
28 tified by *[the National Athletic Trainers Association]* **a board of certification for athletic trainers**  
29 **approved by the Board of Athletic Trainers** may use the title "Athletic Trainer,  
30 Certified/Registered" and the abbreviation *["ATC/R.]"* "ATC."

31  
32 **RESPIRATORY CARE PRACTITIONERS**

33  
34 **SECTION 25.** ORS 688.805 is amended to read:

35 688.805. (1) *[No]* **A person [shall] may not** practice respiratory care or claim to be a respiratory  
36 care practitioner unless the person is licensed under ORS 688.800 to 688.840.

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

39 (3) Nothing in ORS 688.800 to 688.840 prohibits:

40 (a) The practice of respiratory care by students enrolled in a respiratory care education pro-  
41 gram approved by the American Medical Association in collaboration with the Joint Review Com-  
42 mittee for Respiratory Therapy Education or their successors or equivalent organizations, as  
43 approved by the board.

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

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

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

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

6 (6) The practice of respiratory care may be performed in any clinic, hospital, skilled nursing  
7 facility, private dwelling or other [place] **setting** considered appropriate or necessary by the Re-  
8 spiratory Therapist Licensing Board in accordance with the prescription or verbal order of a phy-  
9 sician and shall be performed under a qualified medical director.

10 **SECTION 26.** ORS 688.815 is amended to read:

11 688.815. (1) An applicant for a license to practice respiratory care shall submit to the Oregon  
12 Health Licensing Agency written evidence that the applicant:

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

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

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

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

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

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

27 (b) An applicant holding a credential conferred by the National Board for Respiratory Care as  
28 a Certified Respiratory Therapist (CRT) or as a Registered Respiratory Therapist (RRT), or both,  
29 providing the credential has not been suspended or revoked.

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

32 [(5)(a) The licensee is responsible for filing a license renewal application form.]

33 [(b) The licensee must submit to the agency a completed renewal application, required renewal fee  
34 and satisfactory evidence of having completed any required continuing education credits on or before  
35 the expiration date of the license as specified by agency rule.]

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

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

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

44  
45

**COSMETOLOGISTS**

1        **SECTION 27.** ORS 690.005 is amended to read:

2        690.005. As used in ORS 690.005 to 690.235:

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

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

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

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

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

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

13       [(3)] (2) "Certificate" means a written authorization for the holder to perform in one or more  
14       fields of practice.

15       [(4)] (3) "Cosmetology" means the art or science of beautifying and improving the skin, nails and  
16       hair [*and the study of cosmetics and their application*], **including the following skin, nail and hair**  
17       **practices performed on the human body for the purpose of keeping the skin, nails and hair**  
18       **on the human body healthy and attractive and not for medical diagnosis or treatment of**  
19       **disease or physical or mental ailments:**

20       (a) **Esthetics;**

21       (b) **Hair design; and**

22       (c) **Nail technology.**

23       [(5)] (4) "Demonstration permit" means a written authorization for a person to practice, dem-  
24       onstrate and teach one or more fields of practice on a temporary basis.

25       [(6)] (5) "Esthetics" means any of the following skin care practices performed on the human  
26       body for the purpose of keeping the skin healthy and attractive and not for medical diagnosis or  
27       treatment of disease or physical or mental ailments:

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

30       (b) Temporary removal of hair.

31       (c) Makeup artistry.

32       (d) Facial and body wrapping.

33       (e) Facial and body waxing.

34       [(7)] (6) "Facility" means an establishment operated on a regular or irregular basis for the pur-  
35       pose of providing services in one or more fields of practice.

36       [(8)] (7) "Field of practice" means the following [*cosmetology*] disciplines:

37       (a) Barbering.

38       (b) Esthetics.

39       (c) Hair design.

40       (d) Nail technology.

41       (e) **Cosmetology.**

42       [(9)] (8) "Freelance [*authorization*] license" means a written authorization that allows a practi-  
43       tioner to practice outside or away from a licensed facility.

44       [(10)] (9) "Hair design" means any of the following practices, when done upon the human body  
45       for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental

1 ailments:

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

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

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

7 [(11)] (10) "Independent contractor" means a practitioner who qualifies as an independent con-  
8 tractor under ORS 670.600 and who is not under the control and direction of a facility license  
9 holder.

10 [(12)] (11) "License" means a written authorization issued under ORS 690.055 to a person to  
11 operate a facility **or freelance business** for providing services related to one or more fields of  
12 practice to the public.

13 [(13)] (12) "Nail technology" means any of the following manicuring or pedicuring practices  
14 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical  
15 or mental ailments:

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

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

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

21 [(14)] (13) "Practitioner" means a person certified to perform services included within a field of  
22 practice.

23 [(15)] (14) "Registration" means a written authorization issued to an independent contractor to  
24 hold forth to the public as a business entity providing services in a field of practice.

25 [(16)] (15) "School" means an educational establishment that has a license issued by the De-  
26 partment of Education and is operated for the purpose of teaching one or more fields of practice.

27 [(17)] (16) "Temporary facility permit" means a written authorization issued under ORS 690.055  
28 to provide services on a temporary basis in one or more fields of practice.

29 **SECTION 28.** ORS 690.015 is amended to read:

30 690.015. (1) This section establishes prohibitions relating to the practice of hair design, barber-  
31 ing, esthetics, [and] nail technology **and cosmetology**. The prohibitions under this section are sub-  
32 ject to the exemptions under ORS 690.025. A person who commits an act prohibited under this  
33 section is subject to the penalties under ORS 690.992 in addition to any administrative action taken  
34 by or any civil penalty imposed by the Oregon Health Licensing Agency under ORS 676.612.

35 (2) A person may not:

36 (a) Perform or attempt to perform services in a field of practice without [a] **an active** certificate,  
37 demonstration permit, registration or freelance [authorization] **license**.

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

39 (c) Perform or attempt to perform services in a field of practice [in a facility that does not have  
40 a license or temporary facility permit] **outside a licensed facility or temporary facility without a**  
41 **freelance license issued under ORS 690.123**.

42 (d) Practice hair design, barbering, esthetics, [or] nail technology **or cosmetology** as an inde-  
43 pendent contractor without a registration.

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

1 (f) Knowingly make a false statement on an application to obtain or renew a certificate, regis-  
2 tration, license or permit or to obtain a freelance [*authorization*] **license**.

3 (g) Allow an individual in the employ or under the supervision or control of the person to per-  
4 form in a field of practice without a certificate or permit.

5 (h) Sell, barter or offer to sell or barter a document evidencing a certificate, registration, li-  
6 cense, permit or freelance [*authorization*] **license**.

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

9 (j) Materially alter with fraudulent intent a document evidencing a certificate, registration, li-  
10 cense, permit or freelance [*authorization*] **license**.

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

13 **SECTION 29.** ORS 690.046 is amended to read:

14 690.046. To qualify for certification as a practitioner of hair design, barbering, esthetics, [*or*] nail  
15 technology **or cosmetology**, an applicant [*shall*] **must**:

16 (1) Successfully complete all courses required by rule of the State Board of Education for grad-  
17 uation from a school teaching one or more fields of practice.

18 (2) Successfully pass the certification examination approved, administered or recognized by the  
19 Board of Cosmetology for the field of practice in which certification is sought.

20 (3) Pay all appropriate fees.

21 (4) Meet any additional requirements the Board of Cosmetology may impose by rule for certif-  
22 ication in a particular field of practice.

23 **SECTION 30.** ORS 690.047 is amended to read:

24 690.047. (1) The Board of Cosmetology may [*choose to*] waive all or part of the educational re-  
25 quirement for an applicant in a field of practice and allow the applicant to take the certification  
26 examination, provided that:

27 (a) The applicant's education or training is determined by the [*board*] **Oregon Health Licensing**  
28 **Agency** to be substantially equivalent to Oregon certification requirements; **or**

29 [*(b) The applicant is otherwise qualified to take the examination; and*]

30 [*(c) The applicant's certification in another state is in good standing.*]

31 **(b) The applicant holds an active or inactive certification in another state or country and**  
32 **has not been subject to disciplinary action, as determined by the agency by rule.**

33 (2) The [*Oregon Health Licensing*] agency may issue a specialty certificate in a field of practice  
34 to a practitioner who has:

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

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

38 (c) Paid the required fees; and

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

40 **SECTION 31.** ORS 690.123 is amended to read:

41 690.123. (1) The Oregon Health Licensing Agency may issue a practitioner a freelance [*authori-*  
42 *zation*] **license** to practice outside of or away from a licensed facility.

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

45 (3) Practitioners performing services outside of a licensed facility under the provisions of a

1 freelance [*authorization*] **license** shall comply with the safety and infection control requirements  
 2 under ORS 690.165 and 690.205 and rules adopted by the agency under those statutes.

3 **SECTION 32.** ORS 690.155 is amended to read:

4 690.155. (1) There is established within the Oregon Health Licensing Agency the Board of  
 5 Cosmetology consisting of seven members appointed by the Governor. [*At all times the membership*  
 6 *of the board shall be so constituted that*] **Of the members of the board:**

7 (a) Six members [*of the board shall*] **must** be practitioners with [*valid*] **active** certificates.

8 (b) One member [*shall*] **must** be a public member who is not a practitioner.

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

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

17 **SECTION 33.** ORS 690.165 is amended to read:

18 690.165. In addition to the powers otherwise granted by ORS [*345.430 and*] 690.005 to 690.235,  
 19 the Board of Cosmetology shall have the power to:

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

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

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

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

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

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

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

37 (8) Adopt rules prescribing standards of professional conduct for persons practicing hair design,  
 38 barbering, esthetics, [*or*] nail technology **or cosmetology**.

39 (9) Consult with the agency about the issuance and renewal of a single facility license under  
 40 ORS 676.617 authorizing a facility to provide barbering, esthetics, hair design, [*or*] nail technology  
 41 services **or cosmetology**.

42 **SECTION 34.** ORS 690.167 is amended to read:

43 690.167. In the manner prescribed in ORS chapter 183 for contested cases and at the direction  
 44 of the Board of Cosmetology, the Oregon Health Licensing Agency may impose a form of discipline  
 45 listed in ORS 676.612 against any person practicing barbering, hair design, esthetics [*or*], nail tech-

1 nology **or cosmetology** for any of the grounds listed in ORS 676.612 and for any violation of the  
 2 provisions of ORS 690.005 to 690.235, or the rules adopted thereunder.

3 **SECTION 35.** ORS 345.010 is amended to read:

4 345.010. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

5 (1) "Agent" means a person employed by or for a career school for the purpose of procuring  
 6 students, enrollees or subscribers by solicitation in any form, made at a place or places other than  
 7 the school office or place of business of such school.

8 (2) "Barbering" has the meaning given that term in ORS 690.005.

9 [(3) "Board" means the State Board of Education.]

10 [(4)] (3) "Career school" or "school" means any private proprietary professional, technical, home  
 11 study, correspondence, business or other school instruction, organization or person that offers any  
 12 instruction or training for the purpose or purported purpose of instructing, training or preparing  
 13 persons for any profession.

14 (4) "Cosmetology" has the meaning given that term in ORS 690.005.

15 (5) "Esthetics" has the meaning given that term in ORS 690.005.

16 (6) "Hair design" has the meaning given that term in ORS 690.005.

17 (7) "License" means the authority the career school has been granted to operate under ORS  
 18 345.010 to 345.450.

19 (8) "Nail technology" has the meaning given that term in ORS 690.005.

20 (9) "Registration" means the approval by the Superintendent of Public Instruction of a teacher  
 21 or agent to instruct in or to represent the school.

22 [(10) "Superintendent" means Superintendent of Public Instruction.]

23 **SECTION 36.** ORS 345.400 is amended to read:

24 345.400. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by  
 25 the State Board of Education to regulate schools teaching hair design, barbering, esthetics, [or] nail  
 26 technology **or cosmetology**:

27 (1) May include rules the board considers necessary to protect the economic or physical health  
 28 and safety of the public and of the students attending the school including compliance with ORS  
 29 345.110.

30 (2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair  
 31 design, barbering, esthetics, [or] nail technology **or cosmetology** pursuant to ORS 345.010 to  
 32 345.450.

33 (3) Shall require the schools to teach, and require for graduation from the school, courses that  
 34 meet the following minimum standards:

35 (a)(A) A minimum hourly training requirement for:

36 (i) Hair design, 1,450 hours;

37 (ii) Barbering, 1,100 hours;

38 (iii) Esthetics, 250 hours; and

39 (iv) Nail technology, 350 hours; and

40 (B) In addition to the programs listed in this subsection, a student is also required to success-  
 41 fully complete the following requirements once:

42 (i) Safety and sanitation, 150 hours; and

43 (ii) Career development, 100 hours.

44 (b) A student competency-based training requirement for hair design, barbering, esthetics, [or]  
 45 nail technology **or cosmetology**, if the school has developed written requirements for graduation

1 that are approved by the Superintendent of Public Instruction.

2 **SECTION 37.** ORS 345.440 is amended to read:

3 345.440. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to  
4 345.450 to teach hair design, barbering, esthetics, [or] nail technology **or cosmetology** shall be  
5 conducted by the Oregon Health Licensing Agency.

6 **SECTION 38.** ORS 345.450 is amended to read:

7 345.450. (1) In addition to the fees required by ORS 345.080, before issuing any license under  
8 ORS 345.010 to 345.450 to a school teaching hair design, barbering, esthetics, [or] nail technology  
9 **or cosmetology**, and annually thereafter, the Department of Education shall collect a nonrefundable  
10 annual inspection fee of \$100.

11 (2) The inspection fee collected under subsection (1) of this section shall be transferred to the  
12 Oregon Health Licensing Agency for inspections performed under ORS 345.440.

13 **SECTION 39.** ORS 348.290 is amended to read:

14 348.290. The Oregon Student Assistance Commission shall apply the interest on the amount  
15 transferred to the Oregon Student Assistance Fund under section 4, chapter 377, Oregon Laws 1985,  
16 to provide financial aid, as defined in ORS 348.505, to students to study **hair design**, barbering,  
17 [hairdressing, manicure and] esthetics, **nail technology or cosmetology** at eligible post-secondary  
18 schools.

19  
20 **BODY PIERCING TECHNICIANS**

21  
22 **SECTION 40.** ORS 690.507 is amended to read:

23 690.507. (1) A person may not:

24 (a) Provide body piercing services, **display a sign or in any other way advertise or purport**  
25 **to be a body piercing technician** without a body piercing technician registration issued by the  
26 Oregon Health Licensing Agency.

27 (b) Operate a body piercing facility without a body piercing facility license issued by the agency.

28 (2) This section does not prevent or affect the use of body piercing by:

29 (a) A physician or a person under the control and supervision of a physician;

30 (b) Any other person specifically permitted by law to engage in body piercing; or

31 (c) Self-administration.

32 **SECTION 41.** ORS 690.510 is amended to read:

33 690.510. (1) There is established within the Oregon Health Licensing Agency a registration  
34 program to provide for the registering of body piercing technicians.

35 (2) Subject to the provisions of ORS 676.612, the agency shall issue a body piercing technician  
36 registration to any person who:

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

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

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

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

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

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

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

2 [(3) *The body piercing technician registration must be posted in a conspicuous place on the prem-*  
3 *ises of a licensed body piercing facility.*]

4 [(4) *Except as provided in subsection (7) of this section, a registration issued under this section*  
5 *expires on the last day of the month, one year from the date of issuance, and may be renewed upon*  
6 *application to the agency, payment of the renewal fee established pursuant to ORS 690.550 and com-*  
7 *pliance with ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to*  
8 *690.550. The agency shall establish a procedure for the renewal of registrations.*]

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

12 [(6)] (3) Notwithstanding ORS 690.507 and [subsections] **subsection** (2) [and (4)] of this section,  
13 the agency may issue demonstration and temporary permits to perform body piercing services as  
14 prescribed by agency rule.

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

17 **SECTION 42.** ORS 690.520 is amended to read:

18 690.520. (1) There is established within the Oregon Health Licensing Agency a licensing program  
19 to provide for the licensing of body piercing facilities.

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

22 (3) Subject to the provisions of ORS 676.612, the agency shall issue a body piercing facility li-  
23 cense to any person who:

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

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

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

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

29 [(4) *Except as provided in subsection (9) of this section, a license issued under this section expires*  
30 *on the last day of the month, one year from the date of issuance, and may be renewed upon application*  
31 *to the agency, payment of the renewal fee established pursuant to ORS 690.550 and compliance with*  
32 *ORS 690.500 to 690.550 and rules adopted by the agency pursuant to ORS 690.500 to 690.550. The*  
33 *agency shall establish a procedure for the renewal of licenses.*]

34 [(5) *The agency shall adopt by rule requirements for late renewal of a license and reactivation of*  
35 *an expired license.*]

36 [(6) *The body piercing facility license must be posted in a conspicuous place on the premises of the*  
37 *facility.*]

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

39 [(8)] (4) Notwithstanding ORS 690.507 and [subsections] **subsection** (3) [and (4)] of this section,  
40 the agency may issue a temporary permit to operate a body piercing facility as prescribed by rules  
41 adopted by the agency.

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

44

45 **ELECTROLOGISTS AND PERMANENT COLOR TECHNICIANS AND TATTOO ARTISTS**

**SECTION 43.** ORS 690.355 is amended to read:

690.355. (1) *[No]* A person, including an electrologist or a permanent color technician and tattoo artist, *[shall]* **may not** perform electrolysis or tattooing, display a sign or in any other way advertise or purport to *[be an electrologist or permanent color technician and tattoo artist]* **perform electrolysis, permanent color or tattooing** unless *[that]* the person holds *[a valid]* **an active** license issued by the Oregon Health Licensing Agency. *[However,]*

(2) **Notwithstanding subsection (1) of this section,** ORS 690.350 to 690.430 do not prevent or affect the use of electrolysis or tattooing by:

- (a) A physician[,] or a person under the control and supervision of a physician; or
- (b) Any other person specifically permitted to use electrolysis or tattooing by law.

**SECTION 44.** ORS 690.360 is amended to read:

690.360. *[No]* A person *[shall]* **may not**:

- (1) Sell, barter or offer to sell or barter a license;
- (2) Purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice electrolysis or tattooing;
- (3) Alter materially a license with fraudulent intent;
- (4) Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered;
- (5) Willfully make a false, material statement in an application for licensure or for renewal of a license; *[or]*
- (6) Operate an electrology facility or tattoo facility without obtaining an electrology facility license or tattoo facility license[.]; **or**

**(7) Allow an employee or individual supervised by the person to perform electrolysis or tattooing without a license or permit.**

**SECTION 45.** ORS 690.365 is amended to read:

690.365. (1) An applicant for licensure shall pay a fee established by the Oregon Health Licensing Agency under ORS 690.350 to 690.430 and shall show to the satisfaction of the agency that the applicant:

- (a) Has complied with the provisions of ORS 690.350 to 690.430 and the applicable rules of the agency;
- (b) Is not less than 18 years of age;
- (c) Has a high school diploma or equivalent education;
- (d) Has submitted evidence of completion of education and training prescribed and approved by the agency under ORS 690.410; and
- (e) Has passed an examination approved, administered or recognized by the agency.

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

(3) Notwithstanding ORS 690.355 *[and subsections (1) and (2) of this section]*, the agency may issue demonstration and temporary permits to perform tattooing services as prescribed by agency rule.

**SECTION 46.** ORS 690.380 is amended to read:

690.380. (1) A person who holds a license under ORS 690.350 to 690.430 shall notify the Oregon

1 Health Licensing Agency in writing of the regular address of the place or places where the person  
2 performs or intends to perform electrolysis or tattooing [*and shall keep the license conspicuously*  
3 *posted in the place of business at all times*].

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

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

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

11 (5) The agency shall issue to each qualified applicant a license to operate a tattoo facility and  
12 to advertise permanent coloring or tattooing services for which the facility is licensed.

13 (6) The agency may issue a single facility license to an applicant pursuant to ORS 676.617.

14  
15 **HEARING AID SPECIALISTS**

16  
17 **SECTION 47.** ORS 694.025 is amended to read:

18 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way ad-  
19 vertise or represent that the person deals in hearing aids unless the person holds [*a valid*] **an active**  
20 license issued by the Oregon Health Licensing Agency as provided in ORS 694.015 to 694.185.

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

22 (a) An audiologist licensed under ORS chapter 681.

23 (b) A physician licensed under ORS chapter 677.

24 **SECTION 48.** ORS 694.055 is amended to read:

25 694.055. An applicant for licensure under this chapter shall pay a fee established by the Oregon  
26 Health Licensing Agency under [*ORS 694.185*] **section 4 of this 2011 Act** and shall show to the  
27 satisfaction of the agency that the applicant:

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

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

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

32 **SECTION 49.** ORS 694.155 is amended to read:

33 694.155. The powers and duties of the Oregon Health Licensing Agency with regard to dealing  
34 in hearing aids are as follows:

35 (1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to  
36 694.185.

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

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

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

43 (5) To issue and renew licenses.

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

45 (7) To appoint representatives to conduct or supervise the examination of applicants for

1 licensure.

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

3 (9) To adopt rules not inconsistent with the laws of this state which are necessary to carry out  
4 the provisions of ORS 694.015 to 694.185.

5 (10) With the advice of the Advisory Council on Hearing Aids, to prescribe safety and sanitation  
6 requirements, to require the periodic inspection of the audiometric testing equipment and to carry  
7 out the periodic inspection of facilities of persons who deal in hearing aids.

8 (11) To appoint or employ subordinate employees.

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

10 (13) **To provide for waivers of examinations and temporary licenses by rule.**

11 (14) **To establish continuing education requirements for renewal of a license.**

12 **SECTION 50.** ORS 694.165 is amended to read:

13 694.165. (1) There is established within the Oregon Health Licensing Agency the Advisory  
14 Council on Hearing Aids[. *The council shall consist*], **consisting** of seven members to be appointed  
15 by the Governor.

16 (2) Members of the council must be residents of this state. A member of the council may not be  
17 a member or employee of the agency.

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

19 (a) One member who is licensed to practice medicine in this state [*and holds a certificate of*  
20 *qualification from the American Board of Otolaryngology*];

21 (b) One member who **is an audiologist licensed under ORS chapter 681** [*holds a clinical cer-*  
22 *tification in audiology with the American Speech-Language-Hearing Association and is a member in*  
23 *good standing with that association*];

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

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

28 (4) The term of office of each member of the council is four years, but a member serves at the  
29 pleasure of the Governor. Vacancies shall be filled by the Governor by appointment for the unex-  
30 pired term. A member shall hold the member's office until the appointment and qualification of a  
31 successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a  
32 period of at least four years must elapse before the person is again eligible for appointment to serve  
33 on the council.

34 (5) Members of the council are entitled to compensation and expenses as provided in ORS  
35 292.495.

36  
37 **SEX OFFENDER THERAPISTS**

38  
39 **SECTION 51.** ORS 675.370 (3), (4) and (5) are added to and made a part of ORS 675.360 to  
40 675.380.

41 **SECTION 52.** ORS 675.370 is amended to read:

42 675.370. (1)(a) **A person who is a certified clinical sex offender therapist under ORS 675.360**  
43 **to 675.410 may use the title Certified Clinical Sex Offender Therapist and the abbreviation**  
44 **"CCSOT."**

45 (b) **A person who is a certified associate sex offender therapist under ORS 675.360 to**

1 **675.410 may use the title Certified Associate Sex Offender Therapist and the abbreviation**  
2 **“CASOT.”**

3 [(1)] (2) Unless a person has applied for and received certification under ORS 675.375 or 675.380,  
4 a person may not claim certification as or represent that person to be a:

- 5 (a) Certified clinical sex offender therapist; or
- 6 (b) Certified associate sex offender therapist.

7 [(2)] (3) ORS 675.360 to 675.410 apply only to certified sex offender therapists who treat sex  
8 offenders.

9 [(3)] (4) A person may not:

10 (a) Attempt to obtain a certificate or renewal of a certificate under ORS 675.360 to 675.380 by  
11 bribery or fraudulent representation; or

12 (b) Purport to the public to be engaged in the practice of sex offender treatment under the title  
13 “clinical sex offender therapist” or “associate sex offender therapist” **or the abbreviation**  
14 **“CCSOT” or “CASOT”** unless the person possesses a valid certification under ORS 675.360 to  
15 675.380.

16 [(4)] (5) Nothing in ORS 675.360 to 675.410 is intended to limit or prevent the practice of an  
17 individual’s profession or to restrict a person from providing counseling or therapy if the person or  
18 individual does not represent to the public by title that the person or individual is a certified sex  
19 offender therapist.

20 [(5)] (6) Each violation of [subsections (3) to (5)] **subsection (4)** of this section is a separate vi-  
21 olation.

22 **SECTION 53.** ORS 675.375 is amended to read:

23 675.375. (1) To obtain certification as a clinical sex offender therapist or associate sex offender  
24 therapist, an applicant must complete an application developed and prescribed by the Sex Offender  
25 Treatment Board and file a professional disclosure statement with the Oregon Health Licensing  
26 Agency. The documents must be accompanied by a fee established by the agency.

27 (2) Subject to the provisions of ORS 676.612, the agency may issue two types of certification to  
28 qualified applicants under this section:

- 29 (a) Clinical sex offender therapist; and
- 30 (b) Associate sex offender therapist.

31 (3) To qualify as a certified clinical sex offender therapist, the applicant must:

- 32 (a) Be in compliance with applicable provisions and rules adopted by the agency;
- 33 (b) Have at least a master’s degree in the behavioral sciences;
- 34 (c) Have an active Oregon mental health professional license or equivalent license as determined  
35 by the agency;

36 (d) Within not less than three years nor more than six years prior to application, have had a  
37 minimum of 2,000 hours of direct clinical contact with sex offenders, including:

- 38 (A) 1,000 hours of direct treatment services; and
- 39 (B) 500 hours of evaluations; and

40 (e) Have a minimum of 60 hours of formal training applicable to sex offender treatment and  
41 evaluation, achieved within the three years prior to application.

42 (4) To qualify as a certified associate sex offender therapist, the applicant must:

- 43 (a) Be in compliance with applicable provisions and rules adopted by the agency;
- 44 (b) Have at least a bachelor’s degree in the behavioral sciences;
- 45 (c) Have had a minimum of 1,000 hours of direct clinical contact with sex offenders;

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

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

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

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

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

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

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

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

19 **SECTION 54.** ORS 675.380 is amended to read:

20 675.380. Upon receipt of an application and the appropriate fees under [ORS 675.375] **section 4**  
 21 **of this 2011 Act**, the Oregon Health Licensing Agency shall certify a clinical sex offender therapist  
 22 or associate sex offender therapist if the applicant provides evidence to the satisfaction of the  
 23 agency that the applicant is recognized as a clinical sex offender therapist or associate sex offender  
 24 therapist in another state in which the requirements for such recognition are, in the judgment of the  
 25 agency, in consultation with the Sex Offender Treatment Board, at least equivalent to the require-  
 26 ments of ORS 675.360 to 675.410 and rules of the agency.

27 **SECTION 55.** ORS 675.385 is amended to read:

28 675.385. (1) In the manner prescribed in ORS chapter 183 for contested cases, and at the direc-  
 29 tion of the Sex Offender Treatment Board, the Oregon Health Licensing Agency may impose a form  
 30 of discipline listed in ORS 676.612 against any certified sex offender therapist for any of the grounds  
 31 listed in ORS 676.612 and for any violation of the provisions of ORS 675.360 to 675.410, or the rules  
 32 adopted thereunder.

33 (2) The agency may impose disciplinary sanctions against a certified sex offender therapist for  
 34 any of the following reasons:

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

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

39 (c) The person has violated ORS 675.370 [(3) to (5)] (4), or any rules adopted by the agency  
 40 pertaining to certification.

41 (d) The person has failed to file or has filed a false, misleading or incomplete professional dis-  
 42 closure statement with the agency.

43 (e) The person has practiced beyond the scope of the person's agency-issued certification.

44  
 45

**ENVIRONMENTAL HEALTH SPECIALISTS**





# **Executive Session**





**Other Board Business**

**Board Interest**





# Oregon

Theodore R. Kulongoski, Governor

*Health Licensing Agency*  
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Salem, Oregon 97301-1287  
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Web Site: [www.Oregon.gov/OHLA](http://www.Oregon.gov/OHLA)

December 27, 2010

Dr. Mel Kohn, Director  
Department of Human Services  
Public Health Division  
800 NE Oregon Street  
Portland, OR 97232

Dear Dr. Kohn:

On November 8, 2010, Randy Everitt, Director of the Oregon Health Licensing Agency (agency) and I met with you via conference call to discuss Department of Human Service (DHS) employees who *may* be performing duties of a Registered Environmental Health Specialist (REHS) without a registration.

The agency has worked with the Environmental Health Registration Board (board) and interested parties to complete a list of job titles and/or duties that may be within the scope of practice of an environmental health specialists. It is important to note that under ORS 700.025 the law does provide some exemptions for any person who is a sanitary engineer, public health engineer or registered professional engineer. The statute also exempts public health officers employed pursuant to ORS 431.035 to 431.530 and 431.705 to 431.990.

Following is a list of job titles and duties potentially performed by DHS employees that by statute may require registration as an environmental health specialist in Oregon:

1. Hydrogeologists and natural resource specialists.
2. Inspection of drinking water systems including but not limited to plan reviews for new construction or major additions/modifications to existing systems.
3. Inspection of food service facilities in nursing homes and assisted living facilities by registered nurses or dieticians employed by DHS.
4. Inspection of tanning facilities under the Radiation Protection Program.
5. Performance of surveys to determine if hazardous lead contaminants are present within structures and or properties and determine the proper handling, removal, and disposal of the hazardous materials identified in the survey.

The agency and board thank you for your time and attention to this matter; it is greatly appreciated. If you have any questions please contact me at (503) 373-1917 or by e-mail at [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us).

Sincerely,

Samantha Patnode  
Policy Analyst



# Oregon

Theodore R. Kulongoski, Governor

*Health Licensing Agency*  
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Web Site: [www.Oregon.gov/OHLA](http://www.Oregon.gov/OHLA)

December 28, 2010

Joni Hammond, Deputy Director  
Department of Environmental Quality  
811 SW Sixth Ave  
Portland, OR 97204-1390

The Oregon Health Licensing Agency (agency) and the Environmental Health Registration Board ,  
Legislative and Rules Committee (committee), thank you for agreeing to provide expertise in your field  
as it relates to environmental health and public safety.

The committee has requested you attend, in person or by telephone, the January 20, 2011, committee  
meeting.

Please provide the following information by January 6, 2011:

1. Availability to attend the January 20, 2011 committee meeting;
2. Time you will be available on January 20, 2011; and
3. Phone number to call if you will be on the telephone.

The committee will meet on January 7, 2010, to develop questions or topic areas of discussion for you to  
consider. The agency will forward the information prior to the January 20, 2011 committee meeting, in  
order for you to prepare.

If you have any questions you may contact me at (503) 373-1917 or by e-mail at  
[samie.patnode@state.or.us](mailto:samie.patnode@state.or.us) or you may contact Sinnamon Harris, Board Specialist at (503) 373-1938 or  
by e-mail at [sinnamon.m.harris@state.or.us](mailto:sinnamon.m.harris@state.or.us).

Sincerely

Samantha Patnode  
Policy Analyst

# OHLA Daily Update

Report Date: Fri, Feb 4, 2011

Searched on: Unique Bills=200; Session Year=2011; Session Type=Session; Tracked=Tracked  
Active; Bill Version=Current; Sort By=Priority;

Bill #	Prtly Label	Summary	Last Three Actions	Bill Manager	Bill Notes (current version)
HB2023 1	Career School Regulation by Non-DOE	Allows Superintendent of Public Instruction to grant exemption to authorize agency of executive department to regulate certain career schools. Establishes requirements to transition school between career school regulated by Department of Education a	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education. 01/10/11 - First reading. Referred to Speakers desk.	Sylvie McMillan	02/03/11 - Communicating with Teresa Greene regarding DOE Bills.
HB2025 1	Career School Rules, COS Training Requirements	Allows State Board of Education to adopt rules related to general governance and operation of career schools. Modifies training requirements for hair design, barbering, esthetics and nail technology. Declares emergency, effective on passage.	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education with subsequent referral to Ways and Means. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode	02/03/11 - Communicating with Teresa Green re DOE bills.
HB2144 1	OHLA Administration Bill	Modifies provisions relating to Oregon Health Licensing Agency and boards, councils and programs administered by agency.	01/21/11 - Referred to Health Care. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2145 1	OHLA Denture Technology Bill	Permits denturist to provide removable nonorthodontic dental appliance to be worn in human mouth. Authorizes Oregon Health Licensing Agency to adopt rules waiving examination requirement for license to practice denture technology and providing for	01/21/11 - Referred to Health Care. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2380 1	DEM Mandatory Licensing by 2016	Requires direct entry midwives to be licensed by Oregon Health Licensing Agency before January 1, 2016. Provides for confidentiality of information disclosed during peer review. Allows State Board of Direct Entry Midwifery to approve legend drug	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode	01/26/11 - Per SJP - On 01-26-2011 spoke with Stacey Schafer at Oregon Health Authority (503-569-7482) regarding the licensing of Doulas. She stated that Rep Kotek had inquired regarding licensing doulas in Oregon who would not be providing direct medical care but rather supporting the parents during the pre and post birth process. She asked about medical reimbursement if the doula is not providing medical care. She said she would touch base with Kotek for more information.
HB2389 1	Health Regulatory	Establishes Task Force on	01/21/11 -	Nancy Sellers	

	Boards Taskforce	Health Professional Regulatory Boards to review role of health professional regulatory boards. Sunsets February 4, 2013. Declares emergency, effective on passage.	Referred to Health Care with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	
HB5026	1 OHLA Budget Bill	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Health Licensing Agency. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Sylvie McMillan 02/02/11 - Tentatively scheduled for February 21 in Education Subcommittee, 8:00 am
HB5027	1 OHLA Fee Bill	Approves certain new or increased fees adopted by Oregon Health Licensing Agency. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Sylvie McMillan
SB96	1 Healthcare Workforce Data Reporting	Expands list of health professional regulatory boards subject to health care workforce data reporting to Office for Oregon Health Policy and Research. Declares emergency, effective on passage.	02/03/11 - Public Hearing held. 01/27/11 - Assigned to Subcommittee On Health Care Reform. 01/14/11 - Referred to Health Care, Human Services and Rural Health Policy.	Sylvie McMillan
SB97	1 Cultural Competency Continuing Education - NHAB	Directs certain health professional regulatory boards to adopt rules by January 1, 2014, requiring licensees to document participation in continuing education opportunities relating to cultural competency approved by Oregon Health Authority. Requi	01/12/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB136	1 Punishing Violations without Discipline	Allows certain regulatory boards to issue order punishing certain violations without issuing notice of intent to impose discipline.	01/14/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB222	1 DME Licensing Board	Establishes Durable Medical Equipment Supplier Licensing Board in Oregon Health Licensing Agency. Requires person that bills insurer, Centers for Medicare and Medicaid Services or state health plan for durable medical equipment on or after January 1	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers 02/03/11 - Conference call with Gary Schnabel determined Pharmacy Board regulatory authority for retail DME ordered by medical provider only. No apparent overlap with this bill authority. 02/02/11 - Update from Randy that Pharmacy Board may already have statutory authority to regulate DME. Sent e-mial to Gary Schnabel and Karen MacLean asking to advise.

01/12/11 - Significant concerns about bill as introduced. Will have significant fiscal impact for start-up.

SB499	1	OHLA 16% Cut Plan	Directs specified state agencies, boards and commissions to report to Legislative Assembly or Emergency Board on plan to abolish agency, board or commission or merge with another agency, board or commission. Directs specified state agencies, board	01/18/11 - Referred to Rules. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan	
HB2224	2	Health Information Protection Reporting	Requires covered entities to report annually on system safeguards for protecting confidentiality of individually identifiable health information. Sunsets on January 2, 2014.	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	
HB2235	2	OHA Maternal Mental Health	Requires Oregon Health Authority to provide training and informational materials concerning maternal mental health to health care providers serving pregnant, postpartum and post-pregnancy loss patients. Requires hospitals and health care providers s	01/21/11 - Referred to Human Services with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2236	2	OHA Birth Anomalies/Outcomes Registry	Directs Oregon Health Authority to establish registry and advisory committee related to birth anomalies and adverse pregnancy outcomes.	01/21/11 - Referred to Health Care with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2313	2	BOLI Develop Independent Contractor Definition	Instructs Bureau of Labor and Industries to study development of definition of independent contractor by rule for purpose of determination of independent contractor status.	01/21/11 - Referred to Business and Labor. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	
HB2396	2	DAS/LFO Budget Streamlining Pilot	Directs Oregon Department of Administrative Services and Legislative Fiscal Officer to establish pilot program to streamline budgeting process for at least two health professional licensing boards in preparing budget proposals for the biennium begin	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan	
HB2650	2	Criminal Background Check Authority	Requires Oregon Health Authority and Department of Human Services to develop systems that run criminal records checks quarterly	02/07/11 - Public Hearing scheduled. 01/21/11 - Referred to Judiciary. 01/11/11 - First	Nancy Sellers	01/12/11 - Need to discuss and potentially refer to AAG for advice on requesting that OHLA be added to the list of those authorized (DHS, OHLA and

		and to update criminal records check information on certain health care workers in order to minimize administrative burde	reading. Referred to Speakers desk.		Employment Department) to request background checks using this process.
HB2805	2	Licensing Restrictions for Undocumented Immigrant Applicants	Prohibits state agencies from providing employment, products, services or licenses to persons who are not lawfully present in United States. Imposes penalty of five years imprisonment, \$125,000 fine, or both, for knowingly making false affidavit	01/21/11 - Referred to Judiciary. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2857	2	OHA Data Collection Pilot - DEMs	Requires Oregon Health Authority to establish pilot program to implement uniform electronic processes for collecting data from health services providers that serve medical assistance recipients. Declares emergency, effective on passage.	01/21/11 - Referred to Health Care with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2898	2	Business Ombudsman	Creates the Oregon Business Development Department Ombudsman Act. Establishes office of Oregon Business Development Department Ombudsman, appointed by Governor for six-year term. Requires ombudsman to work with governmental agencies with respect to	01/21/11 - Referred to Transportation and Economic Development with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB3069	2	DME/Health Care Pricing Disclosure	Requires health care provider to publicly disclose prices for health care related services, products, items or equipment. Excepts emergency treatments and instances in which disclosure is not in best interest of consumer. Permits Oregon Health Autho	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5028	2	Multiple Board Budget Bills Combined	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Board of Examiners of Licensed Dietitians, State Mortuary and Cemetery Board,	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers 02/02/11 - Budget bill for Dieticians, Mortuary and Cemetary, Naturopathic Medicine, Occupational Therapy, Medical Imaging, Speech Pathology- Audiology, and Veterinay Boards.
HCR11	2	House Legislative Schedule	Establishes deadlines for completion of legislative measures for 2011 regular session of Seventy-sixth Legislative Assembly. Limits per diem payments.	01/10/11 - Under the provisions of the Report of the Committee on Permanent Organization and Order of Business, placed for final reading. On	Nancy Sellers

Adoption of the Resolution the vote was: Carried by Rosenbaum. 01/10/11 - Read and adopted with House Rules. Adopted. 01/10/11 - First reading. Referred to Speakers desk.

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SB14	2	Third-Party Contractors for E-Commerce	Allows State Treasurer to authorize exceptions to requirements for deposit of public funds to permit state agencies to conduct business through use of electronic commerce. Declares emergency, effective on passage.	01/18/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
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SB42	2	Environmental Crimes Compensatory Fines	Requires that fine imposed in certain environmental crimes cases be in form of compensatory fine. Directs court to forward payments credited to compensatory fine to Department of Justice for deposit in Department of Justice Protection and Education	01/18/11 - Referred to Judiciary, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
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SB47	2	Public Meetings Records	Requires certain governing bodies of public bodies to make audio, audio-video or digital recording of public meetings. Requires written record of meetings and specifies content of written record. Requires recordings and related written records to be	01/12/11 - Referred to Judiciary. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
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SB225	2	Health Care Sunrise/Revision Review by DHS	Permits legislative committee considering proposal to modify scope of practice of licensed health care profession to request that Oregon Health Authority convene scope of practice review panel to make recommendations to Legislative Assembly on propo	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	01/12/11 - Consult with Sen. Monnes-Anderson on her intent for this bill re OHLA.
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SB287	2	Budget Reporting and Prioritization	Directs each state agency to report to Legislative Assembly and Emergency Board on programs and services operated or provided by agency, percentage of agency moneys expended on each program or service, source of moneys expended for each program or s	01/14/11 - Referred to General Government, Consumer and Small Business Protection, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
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SB340	2	Statewide Review of Agencies and Fees/Abolishment Clause	Directs Legislative Assembly to review state agencies and programs, taxes and fees	01/18/11 - Referred to Rules. 01/10/11 - Introduction and	Sylvie McMillan
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			administered by state agencies every six years. Abolishes state agencies that are not continued by legislative Act enacted during year of review. Establishes Sunset	first reading. Referred to Presidents desk.	
SB440	2	Board Meetings Electronically and Compensation	Clarifies that state board or commission may meet through telephone or other electronic means. Provides that member who attends meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses. Modi	01/18/11 - Referred to Rules. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers 01/12/11 - Verify intent with Sen. Courtney regarding Section 1 (b) to include "or governing agency of the board or commission" to include OHLA authority.
SB465	2	Other Fund Transfer of Ending Balance to General Fund	Transfers portion of ending balance from dedicated or continuously appropriated other funds accounts to General Fund at end of each biennium. Allows state agency to retain in account or fund amount equal to amount agency is authorized by law to spen	01/14/11 - Referred to Finance and Revenue, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB500	2	Establishes Other Funds Reserve	Establishes Oregon Other Funds Reserve Fund. Transfers portion of June 30, 2011, ending balance from dedicated or continuously appropriated other funds accounts or funds to reserve fund. Transfers interest from reserve fund to State School Fund. Spe	01/14/11 - Referred to Finance and Revenue, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB543	2	Professional Liability Claims for Licensed Professionals	Imposes pleading requirements for professional liability claims. Requires that claim be accompanied by certification by claimants attorney stating that attorney has consulted person who holds same license, registration or certificate as defendant a	01/14/11 - Referred to Judiciary. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB590	2	ALJ Assignment Changes	Provides that after assignment of administrative law judge from Office of Administrative Hearings, chief administrative law judge may assign different administrative law judge for hearing only upon showing of good cause.	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB611	2	Definition of Employee	Standardizes definitions of employ, employee, employer and wages for purposes of statutes relating to hours, wages, wage claims, employment conditions, employment agencies, farm labor contractors and construction contractors.	02/03/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode

SB621	2	Spiritual treatment Exemption	Eliminates reliance on spiritual treatment as defense to certain crimes. Modifies effect of reliance on spiritual treatment in determining whether youth is subject to juvenile courts dependency jurisdiction.	02/03/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
HB2021	3	Career School Fees	Authorizes State Board of Education to adopt fees for certain activities related to career schools. Declares emergency, effective July 1, 2011.	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education with subsequent referral to Ways and Means. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2022	3	Career School Licensing	Clarifies terms of probation and suspension for licensee of career school.	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education. 01/10/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2024	3	Career School Civil Penalties	Allows Superintendent of Public Instruction to retain reasonable costs related to investigation and assessment of career school civil penalties. Declares emergency, effective on passage.	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education with subsequent referral to Ways and Means. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2026	3	Career School Owner Finances	Requires State Board of Education to adopt minimum standards related to financial soundness of owner of career school. Allows board to consider financial condition of owner of career school when establishing payment schedule for Tuition Protection F	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education with subsequent referral to Ways and Means. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2027	3	Career School Recruitment	Expands definition of agent for purpose of career schools.	01/31/11 - Assigned to Subcommittee On Higher Education. 01/21/11 - Referred to Education. 01/10/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2034	3	BOLI Apprenticeships	Requires apprenticeship agreement to be registered within 45 days of start of apprenticeship. Modifies	01/21/11 - Referred to Business and Labor. 01/10/11 - First	Nancy Sellers

		probationary period for registered apprentices. Establishes requirements for transfer of registered apprentice between or within apprenticeship pr	reading. Referred to Speakers desk.	
HB2061	3 Agency Electronic Records	Permits governmental agency to conduct transaction electronically or create or retain electronic record of transaction without individuals agreement or consent if agency creates, sends, accepts, generates, communicates, stores, processes, uses or r	02/03/11 - Public Hearing and Work Session held. 01/21/11 - Referred to General Government and Consumer Protection. 01/10/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2097	3 OHA Medical Supplies	Expands Oregon Prescription Drug Program to include coverage of medical supplies necessary for using or administering prescription drugs. Declares emergency, effective on passage.	01/21/11 - Referred to Health Care. 01/10/11 - First reading. Referred to Speakers desk.	Nancy Sellers 01/12/11 - As introduced, no impact on OHLA.
HB2244	3 Statewide Public Records	Modifies definition of public record for purposes of public records retention and disclosure laws. Applies to public records in existence on effective date of Act or created on or after effective date of Act. Requires state agencies to adopt wri	02/10/11 - Public Hearing and Possible Work Session scheduled. 01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Kraig Bohot
HB2252	3 Uncollectible Public Debts	Deletes provision allowing state agency to certify to Secretary of State that money owed to agency is uncollectible. Deletes requirement that secretary approve state agency criteria for uncollectibility. Deletes requirement that secretary approve ac	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2381	3 Semi-Independent Boards Financial Administration	Provides that State Personnel Relations Law and provisions relating to state financial administration, salaries and expenses of public employees and administration of public funds apply to Oregon Board of Optometry, State Board of Massage Therapists	01/21/11 - Referred to Health Care with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2390	3 Health Care Reform Taskforce	Establishes task force on health care reform. Declares emergency, effective on passage.	01/21/11 - Referred to Health Care with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers

HB2394	3	Board Spending on Contested Case Hearings	Allows health professional regulatory boards to which moneys in fund or account are continuously appropriated to spend, without limitation, specified percentage of moneys in fund or account for expenses related to conducting contested case procedin	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	01/12/11 - As introduced, bill has not OHLA impact, as no continuously appropriated funds in agency.
HB2395	3	Health Care Terminology - NHAB	Regulates use of terms clinic, institute and specialist by health professionals. Declares emergency, effective on passage.	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	
HB2465	3	72-Hour Public Meeting Notice	Requires at least 72 hours notice for conduct of public meetings, unless actual emergency warrants less notice. Requires emergency justification for public meetings held with less than 72 hours notice to be described in minutes and to be affirmed	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2617	3	No Furloughs for OF Agencies	Allows state to impose unpaid furlough days on state employee only if employees position is funded from General Fund. Declares emergency, effective on passage.	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	
HB2676	3	Employee Conduct Investigation Recordings	Prohibits public body from disclosing recording of public employee made during investigation of employees conduct unless employee consents in writing. Removes exception to disciplinary action statutes for public safety officers under collective b	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan	
HB2786	3	Bans OAR/ORS Conflicts	Clarifies that agency may not adopt rule that conflicts with statute. Provides that agency may not rely on general statutory grant of authority to adopt rules that conflict with more specific statutory provisions or to adopt rules that expand protec	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode	
HB2821	3	Tax Compliance Pilot Repeal	Provides for early repeal of pilot project that requires applicants for certain occupational or professional licenses to demonstrate and maintain tax compliance as condition of issuance or renewal of license. Takes effect on 91st day following adj	01/21/11 - Referred to Revenue. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers	
HB2855	3	Government	Creates State and Local	01/21/11 -	Nancy Sellers	

	Efficiency Task Force	Government Efficiency Task Force. Directs task force to appoint technical advisers to aid and advise task force and establish subcommittees to work on specified subject areas. Sunsets task force on February 4, 2013. Dec	Referred to General Government and Consumer Protection with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	
HB2862	3 Trainee, Student, Volunteer Protections	Extends certain employee protections to persons working for educational purposes and persons performing services without compensation. Declares emergency, effective on passage.	01/21/11 - Referred to Business and Labor. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode
HB2863	3 Public Accommodations	Expands definition of place of public accommodation to include places owned or maintained by public body and services provided by public body.	01/21/11 - Referred to Judiciary. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2874	3 Product/Service Warranty and Fees	Provides that reduction in, restriction or limitation on or charge or fee in connection with providing item or service due to consumer under terms of warranty is void and of no effect unless manufacturer, distributor, retailer or seller discloses re	01/21/11 - Referred to General Government and Consumer Protection. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2895	3 Independent Performance Audits	Requires performance audits of state agencies to be conducted by independent auditors.	01/21/11 - Referred to General Government and Consumer Protection with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2905	3 Family Leave for Academic Activities	Requires granting family leave to employee for academic activities of employees child in manner provided for other family leave. Requires granting 18 hours of family leave for academic activities within any one-year period. Requires employee to giv	01/21/11 - Referred to Business and Labor. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2908	3 Pelvic Examination Consent	Prohibits person from performing pelvic examination on anesthetized or unconscious woman unless woman has given informed consent to examination or examination is necessary for diagnostic purposes. Punishes violation by up to one years imprisonment	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Samie Patnode

HB2932	3	Statewide Four-Day Workweek	Requires Oregon Department of Administrative Services to develop and implement plans establishing four-day, 10-hour-per-day workweek for state employees. Creates exceptions. Requires department to report biannually to Legislative Assembly results of	01/21/11 - Referred to General Government and Consumer Protection with subsequent referral to Business and Labor. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2938	3	Digital Storage and Copier Security Provisions	Requires that public bodies develop and implement policies for securely removing personal information from digital data storage devices and other electronic data storage devices before selling, donating, recycling or otherwise disposing of device. P	01/21/11 - Referred to General Government and Consumer Protection with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Sylvie McMillan
HB2973	3	Residency Status Verification for Employment	Requires employer to verify legal status of employee to be employed in United States through federal E-Verify program prior to deducting expenses related to workers employment from Oregon taxable income. Prohibits deduction of wages paid to unverif	01/21/11 - Referred to Judiciary with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2984	3	PERS 6% Pick Up Elimination	Eliminates employer pick-up of six percent employee contribution required of members of individual account program of Public Employees Retirement System. Requires employee contributions to individual account program only if elected by employee. Re	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2985	3	PERS 6% Pick Up Elimination	Eliminates employer pick-up of six percent employee contribution required of members of Public Employees Retirement System. Eliminates ability of public employer to make employer contributions to individual account program of system. Declares em	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2986	3	Creates PERS Tier 3	Eliminates Oregon Public Service Retirement Plan and substitutes Tier 3 level of benefits under Public Employees Retirement System. Specifies benefits payable to Tier 1 PERS members, Tier 2 PERS members and Tier 3 PERS members.	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2987	3	PERS Elimination for Legislators	Provides that person appointed or elected as member of Legislative	01/21/11 - Referred to Business and Labor	Nancy Sellers

		Assembly may not become member of Public Employees Retirement System. Retains provision allowing person appointed or elected as member of Legislative Assembly to elect to become le	with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	
HB2988	3 PERS and OSGP Restrictions for Legislators	Provides that person appointed or elected as member of Legislative Assembly may not become member of Public Employees Retirement System or participate in state deferred compensation plan as legislator member. Applies only to service as member of t	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2989	3 PERS and OSGP Limitations for Legislators	Provides that person appointed or elected as member of Legislative Assembly may not become member of Public Employees Retirement System or participate in state deferred compensation plan as legislator member. Applies to members of Legislative Asse	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2990	3 Creates Defined-Contribution Retirement Plan for New Hires	Establishes Fair Retirement Plan for persons hired on or after July 1, 2011, who have not established membership in Public Employees Retirement System before July 1, 2011. Specifies that Fair Retirement Plan be part of Public Employees Retirement Sy	01/21/11 - Referred to Business and Labor with subsequent referral to Ways and Means. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2991	3 PERS Out-of-State Retiree Taxation Benefit	Prohibits Public Employees Retirement Board from paying increased benefit by reason of state income taxation of payments made by board if person receiving payments does not pay Oregon income tax on retirement benefits. Provides procedures for enforc	01/21/11 - Referred to Business and Labor. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2996	3 PERS Retiree High-Deductible Health Plan	Requires Public Employees Benefit Board to contract for consumer-directed health benefit plan that provides access to high-deductible health plan and health savings accounts for eligible employees.	01/21/11 - Referred to Health Care. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB3006	3 Dairy Animal Welfare Board Creation	Creates Independent Multidisciplinary Dairy Animal Welfare Board. Establishes duties of board.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers

HB3016	3	Engineering Board Examinations	Increases time in advance of graduation that applicant may take fundamentals in engineering examination, subject to discretion of State Board of Examiners for Engineering and Land Surveying.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Samie Patnode
HB3019	3	health Care Volunteer Immuntiy	Expands immunity from liability for health care providers who volunteer for charitable organizations.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Samie Patnode
HB3020	3	PERS Other States	Prohibits Public Employees Retirement Board from paying increased benefit by reason of state income taxation of payments made by board if person receiving payments does not pay Oregon income tax on retirement benefits. Provides procedures for enforc	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3035	3	Statutory Cause of Action	Provides that statute may not be construed to create statutory cause of action for person who suffers injury, death or damage by reason of statutes violation unless Legislative Assembly has by law specifically authorized civil action.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3045	3	E-Verify legal stuts employees	Requires employer to verify legal status of employee to be employed in United States through federal E-Verify program prior to deducting expenses related to workers employment from Oregon taxable income. Prohibits deduction of wages paid to unverif	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Sylvie McMillan
HB3049	3	Benefit Withholding	Requires public employers to withhold from wages and salaries of public employees percentage of employer contribution to benefit plan for which no employee contribution is required. Specifies that amount withheld is considered salary for purposes of	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3051	3	Rainy Day Fund	Modifies circumstances under which moneys in Oregon Rainy Day Fund may be appropriated. Requires that after May revenue forecast in odd-numbered year, specified percentage of projected General Fund revenues for next biennium be transferred to Oreg	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3055	3	Innovation Fund	Creates State Agency	02/01/11 - First	Nancy Sellers

		Innovation Board and State Agency Innovation Fund. Requires portion of unspent General Fund balances that otherwise revert to General Fund to be deposited in fund. Authorizes board to award grants from fund to state agencies tha	reading. Referred to the desks of the Co-Speakers.		
HB3065	3	Official Criminal Misconduct	Increases maximum penalty for crime of official misconduct in first degree to maximum of five years imprisonment, \$125,000 fine, or both. Includes commission of certain criminal offenses in course of official duties as official misconduct in first	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3068	3	State Appeals to Court of Appeals	Permits state to appeal to Court of Appeals from justice court of record or municipal court of record. Declares emergency, effective on passage.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3070	3	State Caller ID Blocking Ban	Prohibits public bodies from using methods to block caller identification service. Imposes penalty for noncompliance.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3084	3	PERS 13th Check Distribution	Directs Public Employees Retirement Board to issue 13th monthly benefit check for calendar year 2011 to specified retired members of Public Employees Retirement System and specified beneficiaries of retired members. Provides that check be in amount	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3105	3	OAR Filings Electronically Only	Requires executive summaries of reports and notices of proposed rulemaking that must be filed with members of Legislative Assembly to be sent electronically.	02/02/11 - First reading. Referred to the desks of the Co-Speakers.	Samie Patnode
HB5004	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5005	3	State Bonds Bill	Establishes amounts authorized for issuance of general obligation bonds, revenue bonds, certificates of participation and other financing agreements for biennium. Establishes	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers

		amounts allocated for private activity bonds. Declares emergency, effe		
HB5007	3 Chiropractor Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Board of Chiropractic Examiners. Declares emergency, effective July 1	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5008	3 LSCW Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Board of Licensed Social Workers. Declares emergency, effective July	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5009	3 Social Workers Board Budget	Approves certain new or increased fees adopted by State Board of Licensed Social Workers. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5012	3 CCB Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Construction Contractors Board. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5013	3 DCBS Budget	Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and specified federal funds, but excluding lottery and other federal funds, collected or received by Department of Consumer and Business Servi	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5014	3 DCBS Fees	Approves certain new or increased fees adopted by Department of Consumer and Business Services. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5015	3 Licensed Counselors Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Licensed	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers

Professional Counselors  
and Therapists. Declares  
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HB5016	3	Licensed Counselors Board Fee Bill	Approves new fee adopted by Oregon Board of Licensed Professional Counselors and Therapists for criminal background checks. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5017	3	Dentistry Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Dentistry. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5018	3	Dentistry Board Fee Bill	Approves certain new or increased fees adopted by Oregon Board of Dentistry. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5024	3	Ethics Commission Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Government Ethics Commission. Declares emergency, effective July 1,	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5025	3	Governors Office Budget	Appropriates moneys from General Fund to Office of Governor for biennial expenses. Limits biennial expenditures from lottery moneys for Economic Revitalization Team. Limits biennial expenditures from fees, moneys or other revenues, including Mis	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5029	3	Fee Bill for Various Boards from HB 5028	Approves certain new or increased fees adopted by Occupational Therapy Licensing Board and State Board of Examiners for Speech-Language Pathology and Audiology. Declares emergency, effective July 1, 2011.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5031	3	Budget Placeholder Bill	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers

HB5033	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5038	3	Psychologist Examiners Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Board of Psychologist Examiners. Declares emergency, effective July 1	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5044	3	Tax Practitioners Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Board of Tax Practitioners. Declares emergency, effective July 1, 201	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5050	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5051	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5052	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers

HB5053	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5054	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5055	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5056	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5057	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5058	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB5059	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial	02/01/11 - First reading. Referred to the desks of the	Nancy Sellers

expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Co-Speakers.

HCR1	3	Sine Die Bill	Establishes deadlines for completion of legislative measures and date of adjournment sine die of 2011 regular session of Seventy-sixth Legislative Assembly.	01/21/11 - Referred to Rules. 01/10/11 - First reading. Referred to Speakers desk.	Nancy Sellers
SB6	3	SOS Business Registry	Authorizes Secretary of State to establish, maintain, enhance, expand and add capacity to central business registry for identified purposes. Declares emergency, effective on passage.	01/18/11 - Referred to Business, Transportation and Economic Development, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB13	3	Semi-Independent Agency Borrowing	Prohibits semi-independent state agencies from borrowing money in manner that could be construed as incurring debt or obligation of State of Oregon or as pledge of full faith and credit or taxing power of State of Oregon. Declares emergency, effec	02/09/11 - Public Hearing Scheduled. 01/18/11 - Referred to Finance and Revenue. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB41	3	DOJ Public Records Bill	Establishes deadlines by which public bodies must respond to public records requests. Provides exceptions. Delays application of deadlines to local governments until July 1, 2013. Provides exceptions. Limits amount of fees public bodies may charge	01/18/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Kraig Bohot
SB50	3	Mandatory Senior/Disabled Abuse Reporting	Consolidates reporting procedures for abuse of elderly persons and individuals with disabilities. Removes from definition of abuse specified crimes. Makes failure to report abuse of persons with disabilities by individuals with duty to report Class	01/12/11 - Referred to Judiciary. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB70	3	State Police Background Check Fees	Authorizes Department of State Police to establish fee schedules to cover costs of obtaining, maintaining and providing criminal identification records and information.	01/14/11 - Referred to Judiciary, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB86	3	Retainer Medical	Exempts retainer medical	01/18/11 -	Samie Patnode

		Practices Insurance	practice from application of Insurance Code if health care provider maintaining practice is certified by Department of Consumer and Business Services to meet specified criteria. Authorizes department to investigate and tak	Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	
SB134	3	Criminal Background Checks for Other Boards	Allows State Board of Chiropractic Examiners and State Board of Pharmacy to establish certain fees by rule. Removes obsolete language from provision relating to fees established by State Board of Psychologist Examiners. Declares emergency, effec	02/07/11 - Public Hearing and Possible Work Session scheduled. 01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB135	3	Board Membership Mortuary and Cemetery Board	Modifies membership of State Mortuary and Cemetery Board. Declares emergency, effective on passage.	01/14/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB140	3	Occupational Therapy Licensing and Penalties	Allows Occupational Therapy Licensing Board to deny, suspend, revoke or refuse to renew license or impose probationary conditions if licensee or applicant violates statutes administered by board. Allows board to issue subpoena without signature of	01/12/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB141	3	Audiology/Speech Pathology Regulation	Modifies provisions relating to State Board of Examiners for Speech-Language Pathology and Audiology and licensure of speech-language pathologists and audiologists. Declares emergency, effective on passage.	02/02/11 - Public Hearing and Work Session held. 01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB144	3	Assessment for Telecommunications Devices - HAS	Changes eligibility of person to receive adaptive equipment or assistive telecommunication device from requirement that person be severely hard of hearing or severely speech impaired to requirement that person be hard of hearing or speech impaired.	02/07/11 - Public Hearing and Possible Work Session scheduled. 01/18/11 - Referred to Business, Transportation and Economic Development. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers 01/12/11 - Chapter 290 Oregon Laws already list hearing aid specialists. This bill clarifies their role in determining hearing disability for elegibility for assistive telecomm devices.

SB163	3	FYI - Marine Director Appointment by Governor	Directs Governor to appoint State Marine Director.	01/18/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	
SB199	3	Vaccinations as Condition of Employment	Requires certain employers to offer annual vaccinations at no cost to health care employees and to require vaccinations as condition of employment. Provides exemptions. Authorizes Oregon Patient Safety Commission to adopt rules necessary for adminis	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	
SB203	3	Physician Practices; Athletic Trainers Impact?	Requires physician to practice medicine without interference or influence by persons not licensed to practice medicine. .	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	01/12/11 - ATRs expressed need to sometimes override physicians order to allow return to play following a concussion if the student continues to exhibit symptoms. Could this bill prevent that?
SB213	3	Emergency Transport and Services - DEMS	Makes legislative findings regarding emergency medical services. Establishes duty of emergency medical personnel to refer patients who do not have emergency medical conditions to appropriate treatment settings.	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode	
SB256	3	Personal Health Care Information Security Task Force	Creates Task Force on Technology and Security of Personal Health Care Information. Sunsets task force on January 1, 2013. Declares emergency, effective on passage.	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode	
SB308	3	Licensing Tax Compliance Pilot Repeal	Provides for early repeal of pilot project that requires applicants for certain occupational or professional licenses to demonstrate and maintain tax compliance as condition of issuance or renewal of license. Takes effect on 91st day following adj	01/12/11 - Referred to Finance and Revenue. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	
SB312	3	Rainy Day Fund Provisions	Directs Legislative Assembly to leave unappropriated two percent of amount of General Fund revenues estimated to be available for biennium. Requires deposit of two percent amount into Oregon Rainy Day Fund if	01/14/11 - Referred to Finance and Revenue, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers	

		amount of General Fund revenues collecte			
SB313	3	Rainy Day Fund Provisions	Repeals statutory provisions establishing Oregon Rainy Day Fund if amendment to Oregon Constitution proposed by Senate Joint Resolution 10 (2011) is approved by people. Provides that transfer of portion of ending balance to Oregon Rainy Day Fund doe	01/14/11 - Referred to Finance and Revenue, then Rules. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB324	3	Revenue Collection of Debts/Fees	Authorizes collection agencies engaged by Department of Revenue to collect delinquent taxes and to issue tax warrants, liens and writs of attachment and garnishment. Applies to inheritance tax, income and excise tax, timber tax, cigarette and tobacc	01/14/11 - Referred to Finance and Revenue. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan
SB421	3	Design Professional Civil Action (Soil Science)	Provides that civil action based on negligence, including but not limited to claim for indemnity or contribution, may not be brought against design professional for damages arising out of work performed by design professional on improvement unless a	01/14/11 - Referred to Judiciary. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB439	3	Physical Therapy Titles/Terms - AT Issues?	Clarifies that statutes regulating physical therapy apply to person who uses word or title to induce belief that person is practicing physical therapy. Declares emergency, effective on passage.	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB454	3	Exemptions from Massage Therapy Regulation	Exempts certain practitioners from regulation by State Board of Massage Therapists.	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB469	3	Lobbying Reporting by Legislators	Requires members of Legislative Assembly to submit report to Oregon Government Ethics Commission of each meeting or other oral communication with registered lobbyist. Directs commission to adopt rules prescribing schedule, manner and form of report.	01/14/11 - Referred to Rules. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB483	3	Board of Tax Practitioners Education and Outreach	Directs State Board of Tax Practitioners to establish education and outreach program.	01/18/11 - Referred to Education and Workforce	Nancy Sellers

				Development. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	
SB485	3	Real Estate Agency Regulatory Authority	Allows Real Estate Agency to issue cease and desist order and maintain action for injunction against person who engages or is about to engage in professional real estate activity without license. Declares emergency, effective on passage.	01/18/11 - Referred to Business, Transportation and Economic Development. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB503	3	State Personnel Costs Freeze	Suspends cost-of-living increases, salary step increases, upward reclassifications, filling of vacant positions, creating new positions and out-of- state travel for state government employees in current biennium. Suspends purchases of additional good	01/18/11 - Referred to Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB506	3	Family Leave for Death of Family Member	Allows eligible employees to take family leave to deal with death of family member. Limits period of leave to two weeks or to six weeks with medical verification. Requires that leave be counted toward total period of authorized family leave.	01/18/11 - Referred to Business, Transportation and Economic Development. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB540	3	Ethics Economic Interests Filings	Requires certain public officials and candidates to file quarterly statements of economic interest with Oregon Government Ethics Commission. Becomes operative January 1, 2012. Declares emergency, effective on passage.	01/14/11 - Referred to Rules. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB553	3	Rainy Day Fund and General Fund Interest Deposits	Requires interest on moneys in General Fund to be deposited into Oregon Rainy Day Fund. Directs Legislative Assembly to provide that interest on moneys in General Fund accrue to General Fund if conditions allowing appropriation of Oregon Rainy Day F	01/14/11 - Referred to Finance and Revenue, then Ways and Means. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB556	3	Mileage Reimbursement Rates	Requires Oregon Department of Administrative Services to adopt by rule tiered rate schedule for reimbursement by state agency of mileage expenses of persons using privately owned motor vehicle while conducting state business. Declares emergency, e	01/14/11 - Referred to General Government, Consumer and Small Business Protection. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers

SB563	3	Non-Licensed Health Care Rtirees in Emergencies	Allows retired health care provider to register as emergency health care provider and to provide health care services without license or certification during Governor-declared emergency.	01/14/11 - Referred to Health Care, Human Services and Rural Health Policy. 01/10/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB572	3	PERS Retiree Employment Schools	Provides that limitations on employment of retired member of Public Employees Retirement System do not apply to retired member who is employed by school district or community college district located within county with population of not more than 35	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB576	3	PERS Out-of-State Payments	Prohibits Public Employees Retirement Board from paying increased benefit by reason of state income taxation of payments made by board if person receiving payments does not pay Oregon income tax on retirement benefits. Provides procedures for enforc	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB581	3	Alternative Contracting Review Board	Creates Alternative Contracting Review Board and prescribes board membership, duties and functions. Permits board to establish advisory and technical committees to assist board in performing functions. Requires Oregon Department of Administrative Se	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB587	3	Reporting Employee Compensation Costs	Directs appropriation bills to contain itemized list of state agency expenditures related to public employee compensation. Directs Oregon Department of Administrative Services and Governor to submit budget report to Legislative Assembly that conta	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB588	3	Employee Reclassification Approval	Requires reclassification of class of positions in classified service by Oregon Department of Administrative Services to be approved by Legislative Assembly by law.	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB592	3	Attorney Fee Awards	Modifies law that requires that statutes authorizing or mandating award of attorney fees to parties in civil proceeding be construed as authorizing	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Sylvie McMillan

or mandating that award on appeal. Extends law to statutes that authorize or require award of attorney

SB596	3	Revenue Estimates for LAB	Directs Oregon Department of Administrative Services to prepare, in January of odd-numbered year, estimate of revenue available for next biennium and present estimate to organizational session of Legislative Assembly. Directs Legislative Assembly	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB605	3	Family Leave - Siblings	Includes siblings as family members for purposes of family leave.	02/03/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5501	3	Accountants Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Accountancy. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On General Government. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5502	3	DAS Budget Bill	Appropriates moneys from General Fund to Oregon Department of Administrative Services for certain biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery	02/02/11 - Assigned to Subcommittee On General Government. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5503	3	Blind Commission Budget	Appropriates moneys from General Fund to Commission for the Blind for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected o	02/02/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5505	3	DOC Budget	Appropriates moneys from General Fund to Department of Corrections for certain biennial expenses. Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal f	02/02/11 - Assigned to Subcommittee On Public Safety. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers

SB5508	3	E-Board Budget	Appropriates moneys from General Fund to Emergency Board for allocations during biennium. Declares emergency, effective on passage.	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5517	3	Judicial Fitness Commission Budget	Appropriates moneys from General Fund to Commission on Judicial Fitness and Disability for biennial expenses. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Public Safety. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5524	3	LTC Ombudsman Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Long Term Care Ombudsman. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5525	3	Marine Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Marine Board. Limits biennial expenditures by board from federal fund	02/02/11 - Assigned to Subcommittee On Natural Resources. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5526	3	Medical Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Medical Board. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5527	3	Nursing Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon State Board of Nursing. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5528	3	Arts Commission Budget	Appropriates moneys from General Fund to Oregon Business Development Department for Oregon Arts Commission. Limits biennial expenditures	02/02/11 - Assigned to Subcommittee On Transportation and Economic Development. 02/01/11 -	Nancy Sellers

		from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal	Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	
SB5535	3 BOPPPS Budget	Appropriates moneys from General Fund to State Board of Parole and Post-Prison Supervision for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and f	02/02/11 - Assigned to Subcommittee On Public Safety. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5536	3 Pharmacy Board Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Board of Pharmacy. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Education. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5539	3 PSRB Budget	Appropriates moneys from General Fund to Psychiatric Security Review Board for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, co	02/02/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5542	3 PUC Budget	Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Public Utility Commission. Limits biennial expenditures by commissi	02/02/11 - Assigned to Subcommittee On Transportation and Economic Development. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5543	3 Racing Commission Budget	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Racing Commission. Declares emergency, effective July 1, 2011.	02/02/11 - Assigned to Subcommittee On Transportation and Economic Development. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5544	3 Real Estate Agency Budget	Limits biennial expenditures from fees, moneys or other revenues, including	02/02/11 - Assigned to Subcommittee On Transportation and	Nancy Sellers

		Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Real Estate Agency. Declares emergency, effective July 1, 2011.	Economic Development. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.		
SB5547	3	Watershed Board Budget	Directs Oregon Watershed Enhancement Board to allocate moneys deposited into various funds to various state agencies to implement section 4 (8), Article XV of Oregon Constitution. Limits biennial expenditures of board from federal funds and lottery	02/02/11 - Assigned to Subcommittee On Natural Resources. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5549	3	OYA Budget	Appropriates moneys from General Fund to Oregon Youth Authority for certain biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, colle	02/02/11 - Assigned to Subcommittee On Public Safety. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5550	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/03/11 - Assigned to Subcommittee On Human Services. 02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5551	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5552	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5553	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees,	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and	Nancy Sellers

		moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	first reading. Referred to Presidents desk.		
SB5554	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5555	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5556	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5557	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5558	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by _____	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SB5559	3	Budget Placeholder	Appropriates moneys from General Fund to _____ for biennial expenses. Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts,	02/01/11 - Referred to Ways and Means. 02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers

but excluding lottery funds and federal funds, collected or received by

SJR25	3	Abolish E-Board Referral	Proposes amendment to Oregon Constitution to transfer authority of Emergency Board to Joint Committee on Ways and Means and require that actions of joint committee be approved by Senate. Refers proposed amendment to people for their approval or re	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
HB2065	4	FYI Counselors and Therapists	Modifies definitions and other provisions relating to regulation of licensed professional counselors and marriage and family therapists.	01/21/11 - Referred to Human Services. 01/10/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2068	4	FYI Board of Psychologist Examiners Civil Penalties	Clarifies authority of State Board of Psychologist Examiners to impose civil penalties. Declares emergency, effective on passage.	01/21/11 - Referred to Health Care with subsequent referral to Judiciary. 01/10/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB2965	4	FYI DHS Board Child Welfare Rules	Prohibits Department of Human Services from adopting rules that affect board membership of entities regulated by department unless rules are related to child safety and welfare. Prohibits department from adopting rules that impose undue burden and e	01/21/11 - Referred to Human Services. 01/11/11 - First reading. Referred to Speakers desk.	Nancy Sellers
HB3021	4	Crime Victim Compensation	Modifies Department of Justice crime victims compensation program. Declares emergency, effective on passage.	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HB3066	4	DOJ Restitution Pilot	Requires Department of Justice to establish restitution collection pilot program in geographically dispersed counties or regions and to make grants to enable district attorneys offices in participating counties or regions to employ one restitution	02/01/11 - First reading. Referred to the desks of the Co-Speakers.	Nancy Sellers
HCR10	4	GO DUCKS !!!!	Recognizes the 2010 University of Oregon football program.	02/02/11 - Public Hearing and Work Session held. 01/21/11 - Referred to Rules. 01/10/11 - First reading. Referred to Speakers desk.	Nancy Sellers 02/02/11 - GO DUCKS!!!!
SB594	4	PSRB Release Notifications	Authorizes county sheriff or municipal police chief to make community notification when person	02/01/11 - Introduction and first reading. Referred to	Nancy Sellers

			found guilty except for insanity of homicide or felony sex offense is conditionally released from state hospital. Requires Psychiatric Security Review B	Presidents desk.	
SB607	4	Tobacco Littering	Creates offense of unlawful disposal of tobacco product. Punishes by maximum fine of \$90. Declares emergency, effective on passage.	02/03/11 - Introduction and first reading. Referred to Presidents desk.	Samie Patnode
SB613	4	Equine Tripping	Creates offense of equine tripping. Makes violation subject to punishment by maximum of six months imprisonment, \$2,500 fine, or both.	02/03/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers
SJM14	4	States Nullify Federal Law	Urges Congress to propose amendment to United States Constitution to allow states to nullify federal law or regulation by resolution by two-thirds of state legislatures.	02/01/11 - Introduction and first reading. Referred to Presidents desk.	Nancy Sellers

# **Enabling Small Local Environmental Health Programs in Oregon to Fulfill Their Role in an integrated National Food Safety System**

A project proposal to the International Food Protection Training Institute (IFPTI)  
Fellowship Program

## **Back Ground**

In the last 20 years the Oregon Food Protection Program has changed a great deal. Although Oregon may have some unique circumstances in how it has reached its current situation, the symptoms we are experiencing are not unique. Our funding and resources have capped out and are now on the decline, we are facing skyrocketing costs, and we have an economic climate where businesses are struggling.

In Oregon, like many states, the state legislature has passed laws governing food service facilities and given various state agencies rule making and regulatory authority over these facilities. The state agency overseeing the regulation of restaurants in Oregon is the Oregon Health Authority (OHA) Food, Pool, and Lodging Section. Illness investigations are coordinated through the OHA Acute and Communicable Disease Section. The Oregon Health Authority enters into contractual agreements with county health departments and health districts to administer the program within their jurisdictions. Over time the performance standards and contracts between the state and counties have become more prescriptive. This more prescriptive, less flexible relationship has been driven by the food industry's desire for consistency in the application of food protection requirements among jurisdictions, and a conscious choice by state and local food protection programs to come more in line with the FDA's Model Food Code.

In the past, food protection components of local health programs have been funded by general funds and supplemented by license fees. However, because revenue available from general funds has decreased and more public services are competing for the dwindling funds, local programs increasingly rely on license fees to run their programs.

With stagnant or declining resources, and the more prescriptive nature of our contractual agreements, emphasis (or focus) in our food protection program has become more on meeting prescribed outcomes set in administrative rule for annually licensed facilities such as restaurants, mobile food units, and commercial temporary restaurants. Accomplishing the prescribed activities consumes nearly all of the dwindling fiscal and personnel resources. Building capacity on the community health side of the program has become more difficult, if not impossible.

## **Need for Project**

The consensus among agencies, both federal and state, is the need to design and implement an integrated food protection system among federal, state, and local levels of government. A key assumption is that the only way to meet capacity needs for an effective food protection program coupled with emergency response is to use the infrastructure already in place. To this point, most of the discussions about an integrated food protection system have occurred at the federal and state level.

Many of the initiatives to build capacity within local and state health department services are geared towards larger programs that have an infrastructure established that can support exploring alternative funding, resources, and development of approaches to build in economies of scale. Also, capacity building programs focus on training, education and equipment, but fall short on funding for program maintenance and improvement. After initial resources are exhausted, there is nothing left to sustain the changes, and programs revert back to the status quo.

Currently at the local level it feels like a shot gun approach. We have ICS/NIMS training, we have more sophisticated communication hardware, but we still struggle with addressing day to day unfunded activities such as oversight of benevolent temporary restaurants, animal bites, technical assistance and consultation with the public, and routine epidemiological investigations unrelated to the facilities we regulate. On top of all that, we know we don't have the capacity to face a local event such as a large outbreak or flooding incident, let alone a national emergency.

If small local health departments are to be part of the initiative to fully integrate the US food protection program, they need the capacity, expertise, and resources to support delivery of traditional food protection services (e.g. inspections), implement and sustain continuous program improvement, and respond appropriately and quickly to food-related emergencies within their jurisdictions. In many cases, local funding is already inadequate or is not stable enough to consistently meet current mandates and community expectations. Food protection programs operating under these conditions are unlikely to be viable components of an integrated food safety system.

## **Methodology:**

As part of this analysis I will provide examples of the prescriptive nature of the food protection program in Oregon by reviewing state statutes, administrative rules, performance standards, and the contracts our local jurisdiction enters into with the state to conduct the program locally. I will also look at the parameters

set regarding how collected monies can be spent and the flexibility, or lack of flexibility, for use of these funds.

I will be consulting with the state of Oregon's FDA Regional Food Training Specialist to gather information about Oregon's progress in meeting the FDA National Retail Food Regulatory Program Standards (NRRFPS). I will be specifically seeking information on how the state and its local jurisdictions are approaching Standard Five, Food borne Illness Investigation and Food Security Preparedness and Response.

I will also be seeking input from several local jurisdictions in Oregon to determine if, in their opinion, their level of preparedness, based on standard five, can be enhanced through training, workshops, or tools provided by the state or FDA. I will be focusing on smaller jurisdictions of similar size to Linn County.

In addition, I will be reviewing a training model used in North Carolina for GIS training with the local jurisdictions to determine if it may be an applicable training model to leverage training expertise and capacity to assist small local health departments such as Linn County in meeting Standard Five of the NRRFPS..

Following compilation of the information gathered with local jurisdictions in Oregon, I will meet with the FDA Regional Training Officer to discuss recommendations and next steps.

**Outcome of Project:**

A summary of my findings, and recommendations will be provided to the state of Oregon and the FDA regional office concerning potential changes to increase the flexibility for use of existing funds, or additions to fiscal or consultative resources available to local jurisdictions to aid them in building capacity to respond to food borne illness investigations and emergency response by Environmental Health Programs.

Submitted by Holly Skogley, REHS  
Linn County Environmental Health Program

Version 2/04/2011



