



Long Term Care Administrators Board

OREGON REVISED STATUTES

(UNOFFICIAL COPY)

CHAPTER 678.710 – 820 & 678.990

& 676.150 & 676.850

2019 EDITION



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Health Licensing Office, Long Term Care Administrators Board
Oregon Revised Statutes, Chapter 678.710 – 820 & 678.990 & 676.150 & 676.850
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LICENSED NURSING HOME ADMINISTRATORS; RESIDENTIAL CARE FACILITY ADMINISTRATORS

(Generally)

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

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

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

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

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

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

(4) “Provisional license” means a temporary license issued to a provisional nursing home administrator under the rules of the Health Licensing Office.

(5) “Residential care facility” has the meaning given that term in ORS 443.400.

(6) “Residential care facility administrator” means an individual who is responsible for planning, organizing and managing the operation of a residential care facility. [1971 c.663 §1; 1973 c.829 §57; 1989 c.495 §1; 1995 c.643 §1; 2009 c.768 §14; 2013 c.568 §34; 2018 c.61 §5]

678.720 Prohibited acts relating to administration of nursing homes. (1) Unless an individual holds an active license issued under the provisions of ORS 678.710 to 678.820, an individual may not:

(a) Practice or offer to practice as a nursing home administrator; or

(b) Use in connection with the name of the individual the words or letters “nursing home administrator,” “NHA” or any other words, letters or abbreviations or insignia tending to indicate that the individual is a licensed nursing home administrator.

(2) A nursing home shall be conducted or operated under the supervision of a nursing home administrator who holds an active license issued under the provisions of ORS 678.710 to 678.820. [1971 c.663 §2; 2009 c.768 §15; 2013 c.314 §18]

Note: The amendments to 678.720 by section 6, chapter 61, Oregon Laws 2018, become operative January 1, 2022. See section 32, chapter 61, Oregon Laws 2018. The text that is operative on and after January 1, 2022, is set forth for the user’s convenience.

678.720. (1)(a) Unless an individual holds an active license issued under ORS 678.710 to 678.820, an individual may not:

(A) Practice or offer to practice as a nursing home administrator; or

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(B) Use in connection with the name of the individual the words or letters “nursing home administrator,” “NHA” or any other words, letters or abbreviations or insignia tending to indicate that the individual is a licensed nursing home administrator.

(b) A nursing home must be conducted or operated under the supervision of a nursing home administrator who holds an active license issued under ORS 678.710 to 678.820.

(2)(a) Unless an individual holds an active license issued under ORS 678.710 to 678.820, an individual may not:

(A) Practice or offer to practice as a residential care facility administrator; or

(B) Use in connection with the name of the individual the words or letters “residential care facility administrator,” “RCFA” or any other words, letters or abbreviations or insignia tending to indicate that the individual is a licensed residential care facility administrator.

(b) Subject to rules adopted under paragraph (c) of this subsection, a residential care facility must be conducted or operated under the supervision of a residential care facility administrator who holds an active license issued under ORS 678.710 to 678.820.

(c) The Department of Human Services shall adopt rules to allow a residential care facility to be operated by an individual who is not a residential care facility administrator who holds an active license under ORS 678.710 to 678.820 in transitional, emergency and similar situations.

678.725 Reporting unlawful or unsatisfactory nursing home conditions and prohibited conduct; limitation of liability. (1)(a) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any health care facility licensed under ORS 441.015, any licensee licensed by the Health Licensing Office, any physician licensed by the Oregon Medical Board, any naturopathic physician licensed by the Oregon Board of Naturopathic Medicine, any licensed professional nurse and any licensed pharmacist shall report to the office suspected violations of ORS 678.710 to 678.820 and unsanitary or other unsatisfactory conditions in a nursing home.

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

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

(2) A person who in good faith provides information to the office under this section is not subject to an action for civil damages as a result of providing the information. [1985 c.47 §7; 1995 c.643 §2; 2009 c.768 §§16,16a; 2013 c.568 §35; 2017 c.101 §6; 2017 c.356 §86]

(Licensing)

678.730 Licensing qualifications of nursing home administrator; rules. (1) An individual qualifies for licensure as a nursing home administrator if the individual:

(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) 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.

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(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. [1971 c.663 §6; 1973 c.827 §68; 1973 c.829 §58a; 1985 c.47 §3; 1987 c.544 §1; 1989 c.495 §2; 1995 c.667 §5; 2001 c.104 §260; 2009 c.595 §1061; 2009 c.768 §17; 2009 c.792 §47; 2013 c.314 §19]

678.733 Residential care facility administrator license; fee. (1) The Health Licensing Office may issue a residential care facility administrator license to an applicant who:

- (a) Is at least 21 years of age;
- (b) Has earned at least a high school diploma or its equivalent;
- (c)(A) For at least two of the last five years has been employed in a professional or managerial capacity in a health or social service related field, or has a combination of experience and education deemed sufficient by the office; or
- (B) Has earned at least a bachelor's degree in a health or social service related field;
- (d) Has completed at least 40 hours of training approved by the office by rule;
- (e) Pays a licensure fee; and
- (f) Passes an examination described in ORS 678.743.

(2) When issuing a license under this section, the office shall consider the qualifications for employment under ORS 443.004. [2018 c.61 §2]

678.740 Examination for nursing home administrator license; fee. (1) Examinations for licensure as a nursing home administrator shall be conducted at such times and places as the Long Term Care Administrators Board designates, but not less than once a year.

(2) At the time of taking an examination for licensure as a nursing home administrator, an applicant shall pay an examination or reexamination fee established by the Health Licensing Office under ORS 676.576.

(3) 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. [1971 c.663 §7; 1973 c.829 §59; 1979 c.127 §1; 1993 c.572 §1; 2009 c.768 §18; 2013 c.314 §20; 2013 c.568 §36; 2018 c.61 §7]

678.743 Residential care facility administrator examination; fees; rules. (1) The Long Term Care Administrators Board shall:

- (a) Approve at least one examination for licensure as a residential care facility administrator; and
 - (b) Ensure that the examinations are easily and frequently accessible to applicants.
- (2) An applicant for licensure under ORS 678.733 shall pay an examination or reexamination fee established by the Health Licensing Office under ORS 676.576.
- (3) The board shall adopt rules to:
- (a) Determine the subjects, scope and content of the examinations;
 - (b) Ensure the examinations are specific to Oregon law and administrative rules;
 - (c) Determine a passing score for each examination approved by the board; and
 - (d) Ensure the integrity of the examination process. [2018 c.61 §3]

678.746 Rules. The Health Licensing Office shall adopt rules to:

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- (1) Approve training and continuing education for residential care facility administrators; and
- (2) Establish continuing education requirements for residential care facility administrators, including that a residential care facility administrator complete at least 20 hours each year of approved continuing education. [2018 c.61 §4]

678.750 Applicability of licensing requirements to administrators of organizations that rely on spiritual care and treatment. (1) Nothing in ORS 678.710 to 678.820 or the rules adopted under ORS 678.710 to 678.820 may be construed to require an individual, who is employed to administer an institution exempted under ORS 441.065 as an institution that is operated by and for persons who rely on spiritual means alone for the care and treatment of the sick, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in the institution. Any license issued under ORS 678.710 to 678.820 to an individual described in this subsection shall indicate the limited extent of the authority of the individual to act as an administrator.

(2) Subsection (1) of this section does not limit or prohibit the operator of an institution from enforcing any religious affiliation requirements imposed as a bona fide occupational qualification or business necessity or as otherwise permitted by section 703(e) of Title VII of the Civil Rights Act of 1964 or other provision of federal law. [1971 c.663 §8; 1997 c.574 §1; 2009 c.768 §19]

678.760 [1971 c.663 §9; 1973 c.829 §60; 1979 c.127 §2; 1979 c.696 §17; 1993 c.572 §2; 1995 c.643 §3; 2007 c.768 §44; 2009 c.768 §20; repealed by 2013 c.314 §65]

678.770 Licensing reciprocity; rules. (1) The Long Term Care Administrators Board may establish by rule standards for the issuance of a nursing home administrator or residential care facility administrator license by endorsement to an applicant who:

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

(2) An applicant under this section shall pay to the Health Licensing Office at the time of filing the application the applicable fees established under ORS 676.576. [1971 c.663 §11; 1973 c.829 §61; 1993 c.572 §3; 2009 c.768 §22; 2013 c.82 §1; 2013 c.314 §21; 2013 c.568 §38; 2018 c.61 §8]

678.775 [1993 c.572 §4; 2009 c.768 §23; repealed by 2013 c.314 §65]

(Discipline)

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

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

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- (a) Violation of or noncompliance with any applicable provisions of ORS 678.710 to 678.820 or of any rule or order of the office;
- (b) Any continuous or substantial violation of the rules adopted under ORS 441.025; or
- (c) Discipline imposed by any other licensing body in this or any other state based on conduct that would be grounds for discipline under this section or rules adopted by the office. [1971 c.663 §14; 1973 c.58 §1; 1979 c.744 §52; 1985 c.47 §4; 1995 c.643 §4; 1997 c.791 §23; 1999 c.849 §§160,161; 2003 c.75 §58; 2009 c.768 §24; 2009 c.792 §74; 2013 c.568 §40]

678.790 Procedure; review of orders. (1) When the Health Licensing Office proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license under ORS 678.710 to 678.820, opportunity for hearing shall be accorded as provided in ORS chapter 183.

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

(3) If the final order of the court on review reverses the office's order of suspension, revocation or refusal to renew, the office shall issue the license and reinstate the appellant not later than the 30th day after the decision of the court. [1971 c.734 §124; 2009 c.768 §26; 2013 c.568 §41]

678.793 Licensure type of board member in disciplinary action. The Long Term Care Administrators Board may not carry out a disciplinary action against an individual who holds a license under ORS 678.710 to 678.820 unless at least one board member who represents the type of license held by the individual attends all board meetings related to the disciplinary action. [2018 c.61 §12]

Note: 678.793 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 678 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Board)

678.800 Long Term Care Administrators Board. (1) The Long Term Care Administrators Board is established within the Health Licensing Office.

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

- (a) Three must be nursing home administrators licensed under ORS 678.710 to 678.820;
- (b) Three must be residential care facility administrators licensed under ORS 678.710 to 678.820, at least one of whom serves in a memory care community;
- (c) One must be a physician licensed under ORS 677.100 to 677.228 who has expertise in geriatric care or care for persons with disabilities; and
- (d) Two must be members of the public who are not:
 - (A) Otherwise eligible for appointment to the board; or
 - (B) A spouse, domestic partner, child, parent or sibling of a nursing home administrator or residential care facility administrator.

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

(b) Except for those persons described in paragraph (a) of this subsection, a member of the board may not have a direct financial interest in a nursing home or residential care facility.

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

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

(e) Public members of the board may not hold any pecuniary interest in, or have any employment contract with, a nursing home or residential care facility.

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

(A) Geographic areas of this state, ensuring that at least one member is from a rural area; and

(B) Ethnicity.

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

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

(A) Is not a resident of this state;

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

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

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

(5) The members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [1971 c.663 §3; 1973 c.58 §2; 1973 c.792 §35; 1975 c.234 §1; 1979 c.500 §1; 2009 c.535 §13; 2009 c.768 §3a; 2013 c.568 §42; 2017 c.409 §28; 2018 c.61 §9]

678.810 Board meetings; officers. (1) The Long Term Care Administrators Board shall meet at least once each year. A majority of the members of the board constitutes a quorum for the transaction of business.

(2) The board shall select one of its members as chairperson and another as vice chairperson, for a one-year term and with the duties and powers necessary for the performance of the functions of the offices as the board determines. [1971 c.663 §4; 2005 c.726 §8; 2009 c.768 §12; 2018 c.61 §10]

678.820 Duties and powers of board and Health Licensing Office; rules. (1) The Long Term Care Administrators Board is responsible for advising the Health Licensing Office in all matters relating to the administration of ORS 678.710 to 678.820, including:

(a) Developing standards for education and training;

(b) Developing standards of practice and professional conduct;

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

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

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(e) Assisting the office in administering ORS 678.710 to 678.820.

(2) The office shall administer ORS 678.710 to 678.820 by:

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

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

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

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

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

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

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

(h) Maintaining a register of all licensed nursing home administrators and residential care facility administrators.

(3) The office shall consider and be guided by the recommendations of the board in all matters relating to the administration of ORS 678.710 to 678.820. [1971 c.663 §5; 1985 c.47 §5; 1995 c.79 §343; 2009 c.768 §13; 2013 c.568 §43; 2018 c.61 §11]

Note: Sections 27 to 30, chapter 61, Oregon Laws 2018, provide:

Sec. 27. (1) Not later than January 1, 2019, the Health Licensing Office and the Long Term Care Administrators Board shall ensure that the members of the board meet the professional representation membership requirements established in ORS 678.800, as amended by section 9 of this 2018 Act.

(2) Not later than December 31, 2021, each member of the board who is subject to the requirements of section 28 of this 2018 Act must hold a residential care facility administrator license.

(3) Not later than December 31, 2019, the board shall approve the examinations for licensure as a residential care facility administrator described in section 3 of this 2018 Act [678.743]. [2018 c.61 §27]

Sec. 28. (1) Not later than July 1, 2019, an individual who is employed in Oregon as a residential care facility administrator, as defined in ORS 678.710, or who is not employed as described in this subsection but who otherwise meets the requirements of paragraphs (a) to (g) of this subsection and who intends to seek employment as a residential care facility administrator before the operative date specified in section 32 (2) of this 2018 Act [January 1, 2022], shall apply to the Health Licensing Office on a form created by the office for a residential care facility administrator license. The office may issue a license under this section to an applicant who:

(a) Is at least 21 years of age;

(b) Has earned at least a high school diploma or its equivalent;

(c)(A) For at least two of the last five years has been employed in a professional or managerial capacity in a field related to health or social service, or has a combination of experience and education deemed sufficient by the office; or

(B) Has earned at least a bachelor's degree in a field related to health or social service;

(d) Has completed at least 40 hours of training approved by the Department of Human Services by rule;

(e) Has met any applicable continuing education requirements established by the department by rule for the lesser of the three years immediately preceding the date of application or the duration of employment or qualification in Oregon as a residential care facility administrator;

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(f) Is in good standing with the office, and has not been responsible for any residential care facility that has been subject to conditions imposed by the department while the person was responsible for the residential care facility, for the lesser of the four years immediately preceding the date of application or the duration of employment or qualification in Oregon as a residential care facility administrator; and

(g) Pays the licensure fee established by the office by rule.

(2)(a) The office may issue a provisional residential care facility administrator license to an individual who applies for licensure under this section and who is employed in Oregon as a residential care facility administrator but who does not meet all the requirements of subsection (1)(e) and (f) of this section. An individual described in this subsection must earn a passing score on an examination described in section 3 of this 2018 Act [678.743] on or before December 31, 2021.

(b) At its discretion and for good cause, the office may waive the requirements of subsection (1)(e) and (f) of this section.

(3) The office may issue a provisional residential care facility administrator license to an individual who is employed in a state other than Oregon as a residential care facility administrator, or similar role, but who meets the requirements of section 2 (1)(a) to (e) of this 2018 Act [678.733 (1)(a) to (e)]. An individual described in this subsection must earn a passing score on an examination described in section 3 of this 2018 Act on or before December 31, 2021.

(4) An individual who applies for a provisional license under subsection (2) or (3) of this section must pay the provisional licensure fee established by the office by rule.

(5) When issuing a license or a provisional license under this section, the office shall consider the qualifications for employment under ORS 443.004.

(6) An individual issued a license or a provisional license under this section shall meet any requirements for continuing education established by the office by rule.

(7) A provisional residential care facility administrator license issued under this section is not renewable and expires on the earlier of December 31, 2021, or the date upon which the holder is issued a license under section 2 of this 2018 Act.

(8) Not later than January 1, 2022, an individual who holds a provisional residential care facility administrator license and who is employed in Oregon as a residential care facility administrator must obtain a residential care facility license under section 2 of this 2018 Act.

(9) Licenses and provisional licenses issued under this section are subject to the provisions of ORS 678.790.

(10) Moneys collected under this section shall be paid into the General Fund and credited to the Health Licensing Office Account established under ORS 676.625.

(11) The office may adopt rules to carry out the requirements of this section, and may consult with the department in establishing any standards under this section. [2018 c.61 §28]

Sec. 29. Section 27 of this 2018 Act is repealed on January 2, 2022. [2018 c.61 §29]

Sec. 30. Section 28 of this 2018 Act is repealed on January 2, 2022. [2018 c.61 §30]

PENALTIES

678.990 Penalties. (1) Violation of any provision of ORS 678.010 to 678.410 is a Class C misdemeanor.

(2) It shall be a misdemeanor for any person to:

(a) Sell or fraudulently obtain or furnish any license or permit or aid or abet therein under ORS 678.710 to 678.820; or

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(b) Violate any of the provisions of ORS 678.720. [Amended by 1953 c.254 §16; subsections (1) and (2) enacted as 1953 c.254 §15; subsection (3) enacted as 1955 c.489 §12; 1957 c.316 §33; 1971 c.663 §16; subsection (3) enacted as 1971 c.663 §13; 1973 c.584 §21]

REPORTING OBLIGATIONS

676.150 Duty to report prohibited or unprofessional conduct, arrests and convictions; investigation; confidentiality; immunity from liability. (1) As used in this section:

- (a) “Board” means the:
 - (A) State Board of Examiners for Speech-Language Pathology and Audiology;
 - (B) State Board of Chiropractic Examiners;
 - (C) State Board of Licensed Social Workers;
 - (D) Oregon Board of Licensed Professional Counselors and Therapists;
 - (E) Oregon Board of Dentistry;
 - (F) Board of Licensed Dietitians;
 - (G) State Board of Massage Therapists;
 - (H) Oregon Board of Naturopathic Medicine;
 - (I) Oregon State Board of Nursing;
 - (J) Long Term Care Administrators Board;
 - (K) Oregon Board of Optometry;
 - (L) State Board of Pharmacy;
 - (M) Oregon Medical Board;
 - (N) Occupational Therapy Licensing Board;
 - (O) Oregon Board of Physical Therapy;
 - (P) Oregon Board of Psychology;
 - (Q) Board of Medical Imaging;
 - (R) State Board of Direct Entry Midwifery;
 - (S) State Board of Denture Technology;
 - (T) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (U) Oregon Health Authority, to the extent that the authority licenses emergency medical services providers;
 - (V) Oregon State Veterinary Medical Examining Board; or
 - (W) State Mortuary and Cemetery Board.
 - (b) “Licensee” means a health professional licensed or certified by or registered with a board.
 - (c) “Prohibited conduct” means conduct by a licensee that:
 - (A) Constitutes a criminal act against a patient or client; or
 - (B) Constitutes a criminal act that creates a risk of harm to a patient or client.
 - (d) “Unprofessional conduct” means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee’s profession or conduct that endangers the health, safety or welfare of a patient or client.
- (2) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has engaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the conduct without undue delay, but in no event later than 10 working days after the reporting licensee learns of the conduct.

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(3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime shall report the conviction or arrest to the licensee's board within 10 days after the conviction or arrest.

(4) The board responsible for a licensee who is reported to have engaged in prohibited or unprofessional conduct shall investigate in accordance with the board's rules. If the board has reasonable cause to believe that the licensee has engaged in prohibited conduct, the board shall present the facts to an appropriate law enforcement agency without undue delay, but in no event later than 10 working days after the board finds reasonable cause to believe that the licensee engaged in prohibited conduct.

(5) A licensee who fails to report prohibited or unprofessional conduct as required by subsection (2) of this section or the licensee's conviction or arrest as required by subsection (3) of this section is subject to discipline by the board responsible for the licensee.

(6) A licensee who fails to report prohibited conduct as required by subsection (2) of this section commits a Class A violation.

(7)(a) Notwithstanding any other provision of law, a report under subsection (2) or (3) of this section is confidential under ORS 676.175.

(b) A board may disclose a report as provided in ORS 676.177.

(c) If the Health Licensing Office receives a report described in this subsection, the report is confidential and the office may only disclose the report pursuant to ORS 676.595 and 676.599.

(8) Except as part of an application for a license or for renewal of a license and except as provided in subsection (3) of this section, a board may not require a licensee to report the licensee's criminal conduct.

(9) The obligations imposed by this section are in addition to and not in lieu of other obligations to report unprofessional conduct as provided by statute.

(10) A licensee who reports to a board in good faith as required by subsection (2) of this section is immune from civil liability for making the report.

(11) A board and the members, employees and contractors of the board are immune from civil liability for actions taken in good faith as a result of a report received under subsection (2) or (3) of this section. [2009 c.536 §1; 2011 c.630 §21; 2011 c.703 §44; 2011 c.715 §19; 2011 c.720 §213; 2017 c.6 §22; 2018 c.61 §19; 2019 c.43 §5; 2019 c.456 §13]

CULTURAL COMPETENCY CONTINUING EDUCATION

676.850 Authority of regulatory boards to require cultural competency continuing education; documentation of participation; rules. (1) As used in this section, "board" means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
- (j) Long Term Care Administrators Board;
- (k) Oregon Board of Optometry;
- (L) State Board of Pharmacy;

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- (m) Oregon Medical Board;
 - (n) Occupational Therapy Licensing Board;
 - (o) Oregon Board of Physical Therapy;
 - (p) Oregon Board of Psychology;
 - (q) Board of Medical Imaging;
 - (r) State Board of Direct Entry Midwifery;
 - (s) State Board of Denture Technology;
 - (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (u) Home Care Commission;
 - (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers; and
 - (w) Health Licensing Office, to the extent that the office licenses lactation consultants.
- (2)(a) In collaboration with the Oregon Health Authority, a board may adopt rules under which the board may require a person authorized to practice the profession regulated by the board to receive cultural competency continuing education approved by the authority under ORS 413.450.
- (b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.
- (3)(a) A board, or the Health Licensing Office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, shall document participation in cultural competency continuing education by persons authorized to practice a profession regulated by the board.
- (b) For purposes of documenting participation under this subsection, a board may adopt rules requiring persons authorized to practice the profession regulated by the board to submit documentation to the board, or to the office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, of participation in cultural competency continuing education.
- (4) A board shall report biennially to the authority on the participation documented under subsection (3) of this section.
- (5) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (4) of this section. [2013 c.240 §1; 2017 c.6 §28; 2017 c.499 §19; 2018 c.61 §24; 2019 c.43 §11]

Note: The amendments to 676.850 by section 1, chapter 186, Oregon Laws 2019, become operative July 1, 2021, and apply to applicants for initial authorization or renewal of authorization on or after July 1, 2021. See sections 3 and 4, chapter 186, Oregon Laws 2019. The text that is operative on and after July 1, 2021, is set forth for the user's convenience.

676.850. (1) As used in this section, "board" means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;

For an official copy of the Oregon Revised Statutes, please go to the Oregon State Legislature website: https://www.oregonlegislature.gov/bills_laws or call 1-800-332-2313.

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- (j) Long Term Care Administrators Board;
 - (k) Oregon Board of Optometry;
 - (L) State Board of Pharmacy;
 - (m) Oregon Medical Board;
 - (n) Occupational Therapy Licensing Board;
 - (o) Oregon Board of Physical Therapy;
 - (p) Oregon Board of Psychology;
 - (q) Board of Medical Imaging;
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 - (s) State Board of Denture Technology;
 - (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (u) Home Care Commission;
 - (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers; and
 - (w) Health Licensing Office, to the extent that the office licenses lactation consultants.
- (2)(a) A board shall adopt rules to require a person authorized to practice the profession regulated by the board to complete cultural competency continuing education. Completion of the continuing education described in this subsection shall be a condition of renewal of an authorization to practice the profession regulated by the board every other time that the person's authorization is subject to renewal.
- (b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.
- (c) A board shall consider the availability of the continuing education described in this subsection when adopting rules regarding the required number of credits of continuing education.
- (d) A board shall encourage, but may not require, the completion of continuing education approved by the Oregon Health Authority under ORS 413.450. A board shall accept as meeting the requirements of this subsection continuing education that meets the skills requirements established by the authority by rule.
- (3) The requirements of subsection (2) of this section do not apply to a person authorized to practice a profession regulated by a board if the person is:
- (a) Retired and not practicing the profession in any state;
 - (b) Not practicing the profession in this state; or
 - (c) Residing in this state but not practicing the profession in any state.